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XVI.—THE NOOTKA SOUND CONTROVERSY.

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By William Ray Manning, Ph. D.

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PREFACE.

The French revolutionary period contains so much of greater importance that historians have neglected the Nootka Sound incident. Of the few writers who have discussed it, the majority have written from a partisan standpoint, or, if impartial themselves, have drawn their information from partisan pamphlets. The consequence is that many errors regarding it have crept into the work of the best writers. The purpose of this monograph is to give a more extended account, drawn largely from unpublished sources, and to correct as many of the errors as possible.

Besides working over the documents that have been published and the accounts that have been written, a thorough search has been made in the archives of the Indies at Seville, in the national historical archives at Madrid, and in the British Museum and the public record office at London. A less thorough search has been made in the archives of foreign affairs at Paris and the archives of the Department of State at Washington. More than 500 pages of unpublished documents relating to the dispute have been transcribed and used. The classified bibliography at the close will make clear the sources of information and their relative value.

My acknowledgments are due to the following persons for valuable assistance: To my wife, who worked with me continually for two and a half months in the Spanish archives and the British Museum, and who has criticised my manuscript and read the proof sheets; to Prof. J. F. Jameson, whose untiring interest has been a constant source of inspiration, and to whose aid and painstaking suggestions are largely due any merits that the monograph may possess; to Prof. A. C. McLaughlin, for research in the archives at Washington; to Prof. F. J. Turner, for manuscripts and other material from his own collection. Besides these, I wish to make special mention of the kindness and assistance of Señor Pedro Torres-Lanzas, director of the archives of the Indies at Seville, and of Señor Vicente Vignau y Ballester, director of the national historical archives at Madrid.

CHICAGO, *July*, *1904*.

CHAPTER I.

INTRODUCTION.

Nootka Sound is a small inlet on the western shore of Vancouver Island. It was christened and made known to the world by Captain Cook in 1778. A few years afterwards a flourishing fur trade sprang up between the Northwest Coast and China. Nootka became the center of this trade, though it remained for several years without any settlement except an Indian village. On account of its sudden and growing importance, the Russians, English, and Spaniards all laid plans for occupying the port. It happened that all planned to carry out the project in the year 1789, a year that meant so much for the subsequent history of the world. Though the Nootka incident can make no claim to rank in importance with the great events of that year, yet it was destined to have an influence on the movements then started and to be influenced in turn by them.

The Russian plans were not acted upon, but the plans of the other two were. An English expedition from India and a Spanish from Mexico each sailed in the spring of 1789 to establish a colony at Nootka. The promoters of neither knew anything of the other. The Spanish commander arrived first and took possession. Nearly two months later the Englishman came. A quarrel ensued. The Spaniard seized the Englishman, imprisoned him, his officers and crew, and sent them to Mexico as a prize. A consort vessel arrived a few days later and met the same fate. Two other English vessels had been seized earlier. One of them had been released on bond and the other had been confiscated without adjudication.

The Viceroy of Mexico, instead of acting on his own responsibility, reported the matter to the Government at Madrid. The Spanish Court complained to the British that subjects of the latter had violated the territorial sovereignty of the former, and demanded that the offenders be punished to prevent such enterprises in the future. The British Cabinet rejected the Spanish claim to exclusive sovereignty over the territory in question, and suspended all diplomatic relations until Spain should have offered a satisfactory reparation for the insult which His Britannic Majesty felt that his flag had suffered. Each Court refused to grant the demand of the other and stood firmly on the ground originally taken. To support their respective claims, both Governments made the most extensive armaments. Each nation also called upon its allies for assurances of support and entered negotiations for forming new alliances. For a time it seemed that all Europe would be drawn into war over what, on the face of it, appeared to be an insignificant quarrel between two obscure sea captains.

Speaking of the controversy Schoell says that a few huts built on an inhospitable coast and a miserable fortification defended by rocks were sufficient to excite a bloody war between two great European powers and gave birth to a negotiation which for several months absorbed the attention of all of the maritime powers of Europe.[a] Similar statements were made by other writers within a few years after the incident.[b] Most historians who have touched upon it have either treated it from a partisan standpoint or have considered it of too little importance to merit careful inquiry into the facts.[c]

But far from being merely a dispute over a few captured vessels and a comparatively unimportant trading post, it was the decisive conflict between two great colonial principles, of which England and Spain were, respectively, the exponents. Spain still clung to the antiquated notion that the fact of the Pacific Ocean's having been first seen by a Spaniard gave his Government a right to all of the lands of the continent which were washed by it. This fact, added to the gift of the Pope, was sufficient to convince the Spanish mind that Spain had a valid title to the whole of the western coast of both Americas. On the other hand, England had long been acting on the now universally accepted principle that mere discovery is an insufficient title, and that land anywhere on the globe not controlled by any civilized nation belongs to that nation which first occupies and develops it.

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[a] Schoell, Histoire des Traités de Paix, IV, 112.

[b] See Humboldt, Alex. von, Essai Politique, II, 460.

[c] Oscar Browning, the writer of Chapter X, in Volume VIII, of the Cambridge Modern History, recently published, gives the least prejudiced and most accurate account. However, it is very brief. He introduces the incident as an important episode in the foreign policy of Pitt. He says: "An event occurred on the other side of the world which nearly brought about a European conflagration." In preparing his brief discussion he consulted the documents in the public record office.

The controversy is of further importance because of the fact that it tested the triple alliance of 1788 between England, Prussia, and the Netherlands. It also afforded the occasion for overthrowing the Bourbon family compact of 1761. It marked the end of Spain's new brief period of national greatness, which had resulted from the wise reign of Charles III. It was also the beginning of the collapse of Spain's colonial empire. Duro, one of the leading Spanish historians of the present, says that it inaugurated a period of degradation disgraceful to Spanish history, and began a series of pictures which cause anyone to blush who contemplates them with love for the fatherland.[a]

The settlement of the controversy determined the subsequent position of England and Spain on the Northwest Coast. Later, after the United States had bought the Spanish claim, the Nootka Sound affair became a part of the Oregon controversy. For a time the dispute threatened to change the course of the French Revolution.[b] It menaced the existence, or at least the expansion, of the United States. It promised to substitute English for Spanish influence in Latin America.

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[a] See Duro, Armada Española, VIII, 8-16.

[b] See Hassall, The French People, 341.

CHAPTER II.

THE ENGLISH PLANS FOR OCCUPYING NOOTKA SOUND.

As early as 1785 instructions were given looking toward the establishment of an English trading post on Nootka Sound. In this year an English commercial company instructed the commander of one of its vessels to establish a post on the northwest coast of America for "securing the trade of the continent and islands adjacent." King Georges [Nootka] Sound was suggested as being "in every respect consistent with the intent of forming such establishment."[a]

The fur trade between the western coast of America and China was at the time in its infancy, but the profits accruing from it soon made it of great importance. Captain Cook, in his voyage of 1778, had brought the possibility of the industry to the attention of English shipowners. "By the accidental carrying away of a small collection of furs, whose great value was learned in Siberia and China, he originated the great fur trade which became the chief incentive of all later English and American expeditions to these regions."[b] He remained a month in Nootka Sound. A number of English expeditions visited the place between this date and 1789, as did also several Spanish, French, and American. Only such of them will be discussed as have a direct bearing on the Nootka Sound controversy, and these only at such places in the narrative as their bearing becomes important. A sufficiently full account of the others may be found in the first volume of Bancroft's "History of the Northwest Coast."

The first English expedition to claim serious attention is that of 1788. It was commanded by John Meares,[c] a retired lieutenant of the royal navy. Two years before this he had been placed in charge of an expedition to the same coast by some merchants under the protection of the East India Company.[a] He had two vessels, the *Nootka*, commanded by himself, and the *Sea Otter*, commanded by a subordinate. The latter was lost at sea. The former spent the winter of 1786-87 in Prince William Sound, on the Alaskan coast, where, according to Meares's account, the most terrible hardships were suffered, and so many of the crew were lost that not enough remained to man the ship.[b] After disposing of his cargo of furs in China[c] he made preparations for the expedition of the following year, during which he set up the first English establishment on the coast. It was this post which, rightly or wrongly, furnished the chief basis for the stubborn persistence of the English ministry in its demands on Spain in the controversy two years later. The purpose of discussing this expedition is to study what Meares did at Nootka and find just what rights, if any, were thereby acquired for England.

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[a] Richard Cadman Etches to Captain Portlock, London, September 3, 1785. (Meares, An Answer to Mr. Dixon, 10.) The instructions were not carried out by this commander, but the same company was interested in the expedition which reached Nootka for that purpose in 1789. Nootka Sound was for a time called King Georges Sound by the English and San Lorenzo by the Spanish.

[b] Bancroft, Northwest Coast, I, 172.

[c] Sometimes written "Mears."

It was intended that this expedition should be preliminary to the planting of an English commercial colony. In mentioning the fact that one vessel was destined to remain out much longer than the other, Meares says that she was to leave the coast of America at the close of the year and go to the Sandwich Islands for the winter. The next year she was "to return to America, in order to meet her consort from China with a supply of necessary stores and refreshments sufficient for establishing factories and extending the plan of commerce in which we were engaged."[d] Probably to prove the feasibility of constructing such factories, Meares took with him on this preliminary trip the material and workmen for building a small trading vessel, which would necessitate the erection of some sort of establishment to protect the workmen and tools during the process of construction. In the instructions for the voyage no mention is made of the vessel to be constructed or of any establishment, either temporary or permanent, but plans were laid for a second expedition. Speaking of the proposed meeting of the two vessels constituting the expedition, which meeting was to be at Nootka at the close of the summer trading season of 1788 previous to the sailing of one vessel to China with the furs collected, the proprietors instructed Meares to appoint "a time and place of rendezvous, that you may receive the instructions and refreshments we may send you next season."[a]

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[a] Meares, Memorial, appendix to Voyages.

[b] This condition and the terms on which relief was offered him by Portlock and Dixon, who reached the place in the spring, led to a bitter personal quarrel between Meares and Dixon, which produced several mutually recriminating pamphlets.

[c] Meares, Voyages. Introductory voyage, i-xl. In this Meares quotes the letters which passed between him and Portlock in May, 1787, which gave rise to the quarrel.

[d] Id., 2.

The larger vessel, the *Felice*, was commanded by Meares and was to proceed directly to Nootka, arriving as early as possible and remaining the entire season at Nootka and in the neighborhood. During the summer of 1788 it is this vessel and the operations of its commander that furnish the center of interest. The second vessel, the *Iphigenia*, commanded by Captain Douglas, subject to Meares's orders, was to spend most of the trading season on the coast of Alaska in Cooks River and Prince William Sound. When trade should slacken she was to move southward, endeavoring to reach Nootka Sound by September 1, where the two vessels were to meet.[b] During the first season the voyage of the *Iphigenia* is unimportant, but on its return to Nootka from the Sandwich Islands in 1789 it furnishes for a time the chief interest.

It is well to notice at the outset the double instructions and the double national character of the expedition, though the importance of the fact will become more evident later. As far as the instructions to Meares are concerned, or his repetition of them to Douglas, the ships were purely English in character, Daniel Beale, of Canton, China, being the ostensible agent. But later, when one of them came into conflict with the Spaniards, it was just as purely Portuguese to all external appearances. It was flying Portuguese colors and was commanded by a Portuguese captain, with instructions in his own language, given by a merchant of the same nationality living at Macao, China.[a] In these papers the real commanders appeared as supercargoes.

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[a] The Merchant Proprietors to John Meares, esq., Commanding the *Felice* and *Iphigenia*, China, December 24, 1787. (Id., Appendix I.)

[b] Id.

In Meares's narrative of the voyage no mention is made of the deception, but later, in his memorial to the British Government, he said that it was "to evade the excessive high port charges demanded by the Chinese from all other European nations excepting the Portuguese."[b] Dixon, in one of his pamphlets, says that the principal motive in using the Portuguese colors was to evade the South Sea Company's license.[c] Bancroft mentions both of these motives and suggests that the trick is not permissible unless directed against a hostile nation in time of war.[d] It seems to have been expected that it would enable them to avoid some anticipated danger or difficulty. However, as will be seen, this very double nationality was the first thing to arouse suspicion and get the *Iphigenia* into trouble.

The vessels sailed from China in the latter part of 1788. Besides the regular crew, each carried a number of European artisans and Chinese smiths and carpenters. The latter, Meares says, were shipped on this occasion as an experiment because of their reputed hardiness, industry, and ingenuity, and also because of their simple manner of life and the low wages demanded. He observes that "during the whole of the voyage there was every reason to be satisfied with their services," and adds: "If hereafter trading posts should be established on the American coast, a colony of these men would be a very important acquisition." Of the 90 men on the two ships 50 were Chinese. In view of the importance of the Chinese element in the population of the Western States, it is a significant circumstance that they figured so largely in this very first venture. And, considering the subsequent rush of these people to the New World, it is worthy of notice that on this occasion "a much greater number of Chinese solicited to enter into this service than could be received," and those who were refused "gave the most unequivocal marks of mortification and disappointment."[a] "On the voyage the artisans were employed in preparing articles of trade for the American market. * * * The carpenters were also at work in preparing the molds and the models for a sloop of 50 tons that was designed to be built immediately on our arrival in King Georges Sound, as such a vessel would be of the utmost utility not only in collecting furs, but in exploring the coast." In speaking of the work necessary for the enterprise, Meares says: "Our timber was standing in the forests of America, the ironwork was as yet in rough bars on board, and the cordage which was to be formed into ropes was yet a cable."[b] On May 13, after a passage of three months and twenty-three days from China, they "anchored in Friendly Cove, in King Georges Sound, abreast of the village of Nootka."[c]

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[a] See Chapter IV below.

[b] Meares, Memorial, Appendix to Voyages. He explains that this ruse was at first successful, but was later discovered through the financial failure of the Portuguese merchant who had allowed his name to be thus used.

[c] Dixon, Further Remarks on Meares's Voyages, 55. His hostility to Meares prejudices any statement made by him. See above, p. 287, note *b*.

[d] Bancroft, Northwest Coast, I, 193. This author devotes some 10 pages to a discussion of this expedition.

Greenhow, Oregon and California, 172–178, attempts to prove that the expedition was purely Portuguese. His account is too prejudiced to be of much value. The chief purpose of his book was to prove that America had a better claim to the Oregon country than England. If this expedition had been purely Portuguese, England could have acquired no possible claim through it.

The natives received them in a friendly manner, and operations were soon begun to carry out their shipbuilding enterprise. Meares says:

> Maquilla [the Indian chief, sometimes called "Maquinna"] had not only most readily consented to grant us a spot of ground in his territory whereon a house might be built for the accommodation of the people we intended to leave there, but had promised us also his assistance in forwarding our works and his protection of the party who were destined to remain at Nootka during our absence. In return for this kindness, and to insure a continuance of it, the chief was presented with a pair of pistols, which he had regarded with an eye of solicitation ever since our arrival.[d]

This is Meares's account of the transaction to which he referred in his memorial two years later as a purchase of land. It was by this transaction that the English Government claimed to have acquired a title not only to this spot, but to the whole of Nootka Sound.[a] There is nothing in his narrative which indicates that at the time Meares had any thought of acquiring a permanent title, either for himself or for his Government. Neither is there any unmistakable indication to the contrary. Under these circumstances any title to sovereignty thus acquired would have to depend on subsequent operations.

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[a] Meares, Voyages, 2, 3.

[b] Id., 88.

[c] Id., 104. This date should probably be changed to May 12. When the English and Spanish met at Nootka in 1789 their calendars were one day apart. (See below, p. 312, note *a*.) Since there are no conflicting dates given for the events at Nootka in 1788, those found in the journals of the English commanders are followed.

[d] Id., 114.

With the assistance of the natives, work on the house advanced rapidly, and on May 28, fifteen days after their arrival, it was completed. It had two stories. On the ground floor were a workshop and storeroom and in the upper story were a dining room and chambers for the party. "A strong breastwork was thrown up around the house, enclosing a considerable area of ground, which, with one piece of cannon, placed in such a manner as to command the cove and the village of Nootka, formed a fortification sufficient to secure the party from any intrusion. Without this breastwork was laid the keel of a vessel of 40 or 50 tons, which was now to be built agreeable to our former determination."[b] While this was being done the ship had been repaired and refitted for a trading cruise to the southward. All was in readiness for departure on June 11. On the day previous the party to be left at Nootka was landed with articles to continue the brisk trade which had sprung up, and also supplies for the completion of the new vessel and enough provisions to fit it for a voyage to China should misfortune prevent the return of the *Felice* or the arrival of her consort, the *Iphigenia*. A formal visit was paid to the chief, Maquilla, to acquaint him with the intended departure and to secure his attention and friendship to the party to be left on shore. Meares adds: "As a bribe to secure his attachment he was promised that when we finally left the coast he should enter into full possession of the house and all the goods and chattles thereunto belonging."[c] This statement is quoted by Greenhow as conclusive proof of the merely temporary character of the establishment.[a] If the promise was made in good faith, it would seem that the position was well taken, did not the subsequent conduct of Meares indicate the contrary! On the occasion of this visit other presents were made to the chief and members of his family. The narrator continues: "Maquilla, who was glowing with delight at the attentions we had paid him, readily granted every request that we thought proper to make, and confirmed with the strongest assurances of good faith the treaty of friendship which had already been entered into between us."[b] Nothing further is said of this treaty or of its terms. If some more tangible evidence of it appeared, it might be a valuable link. The mere statement that such was made is of interest as indicating the policy of Meares, which, however, would have been the same whether he expected to retain an establishment at Nootka or simply to make subsequent visits for trading. It is possible, too, that the treaty was only a temporary arrangement to last during the one visit.

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[a] The purchase is confirmed in the information of William Graham, London, May 5, 1790 (Inclosure No. VI, with Meares's Memorial, appendix to Voyages). It was also confirmed by Duffin in conversation with Vancouver in 1792. (Vancouver, Voyages, II, 370–372.) Both of these have strong English prejudices. The purchase is denied by Gray and Ingraham. (Greenhow, Oregon and California, 414.) They strongly favored the Spanish. They say that the Indians denied having sold land to the English. That there was a purchase was practically conceded, however, even by the Spaniards, since Quadra offered to Vancouver in 1792 the land on which Meares's house had stood in 1788. (See Vancouver, Voyages, II, 335 ff.)

[b] Id., 115–116.

[c] Id., 130.

The *Felice*, with Meares and most of the crew, spent the next two and a half months in a combined trading and exploring cruise to the southward, returning to Nootka once during the time and remaining two weeks. This trip has no direct bearing on the Nootka incident, but throws some side lights on Meare's policy and the national character of the expedition. He tells of a treaty made at Port Cox and gives something of its terms. It established trade relations with three chiefs. Apparently it excluded all competitors, though this is not so stated;[c] but on seeing a vessel pass Nootka, some two months later, he at once set out for Port Cox lest the chief should be tempted "to intrude upon the treaty he had made with us."[d] On reaching the place he found large quantities of furs, indicating that the treaty had been kept. It may be, however, that no opportunity had been presented for breaking it. The chief inquired earnestly concerning Meares's return next season.[e]

In another place Meares says: "We took possession of the

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[a] Greenhow, Oregon and California, 175.

[b] Meares, Voyages, 131.

[c] Id., 146, and Memorial in appendix.

[d] Id., 95.

[e] Id., 204.

Straits of Juan de Fuca in the name of the King of Britain, with the forms that had been adopted by preceding navigators on similar occasions."[a] In mentioning this ceremony in his memorial he makes the additional statement that he purchased a tract of land within the said straits. A party sent to examine the straits was attacked by the natives after a few days and abandoned the enterprise.[b] This subsidiary expedition plays an important part in the controversial writings on the conflicting claims to the Oregon country. On August 24 the *Felice* returned to Nootka. Three days later her consort, the *Iphigenia*, arrived.

In less than a month more the new vessel was completed. On September 20 it was launched with what Meares considered very impressive ceremonies. It was christened "the *North-West America*, as being the first bottom ever built and launched in this part of the globe." He says that the British flag was displayed on the house and on board the new vessel.[c] This statement regarding the use of the British flag should be noticed, since Greenhow states, and Bancroft gives it a qualified indorsement, that "there is no sufficient proof that any other [than the Portuguese flag] was displayed by them during the expedition."[d] Statements are made by other men that the Portuguese flag was used at Nootka during the summer.[e] In the engraving in Meares's narrative illustrating the launching, three British flags are represented.[f] There is at least one other very plain indication of the use of the British flag by the expedition. It is found in the instructions of Meares to Funter, who was to command the *North-West America.* They are dated Friendly Cove, Nootka Sound, September 10, 1788, and say: "You are on no account to hoist any colors until such time as your employers give you orders for this purpose, except on taking possession of any newly discovered land; you will then do it, with the usual formality, for the Crown of Great Britain."[a] If these instructions were really given, and the statement is true which is quoted above regarding taking possession of the Straits of Juan de Fuca, it must be admitted that Meares considered at the time that his expedition was English and that whatever rights might be acquired by it for any nation were acquired for England.

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[a] Meares, Voyages, 173, and Memorial in appendix.

[b] Id., 173–179.

[c] Id., 220.

[d] Greenhow, Oregon and California, 172; and Bancroft, Northwest Coast, I, 194.

[e] Dixon, Farther Remarks on Meares's Voyages, 24. This writer, in his controversial pamphlet, quotes from a letter of Captain Duncan, who had met Meares near the entrance to Nootka Sound in 1788. This letter makes the statement that Meares had "at that time a small vessel on the stocks at Nootka, where, he told me, he had a fort, guns mounted, and Portuguese colors flying." It was written January 17, 1791, and can hardly be given absolute credence, since Dixon was so prejudiced against Meares. Greenhow is too partisan to be fair, and the Americans, Gray and Ingraham, and Haswell, whom Bancroft quotes on the point, were very pro-Spanish. On the other hand, Meares's statements can not be taken for truth unless it is very plain that there is no reason for his telling anything else.

[f] Meares, Voyages, 220. It is doubtful whether this testimony can be considered of any value. As to the truthfulness of the picture, it is interesting to notice the Indian village in the background. He had said that before this the entire village had been moved some 30 miles up the sound for the winter.

Four days after the new vessel had been completed Meares departed for China in the *Felice*, carrying with him the furs collected by both vessels. The *North-West America* was placed under the orders of Douglas, the commander of the *Iphigenia.* Before departing, Meares had given him extended orders regarding wintering at the Sandwich Islands, and his conduct on the coast during the next season.[b] On Ooctober 27 the two remaining vessels left Nootka for the winter.[c]

In the instructions just mentioned nothing is said regarding any settlement to be made at Nootka the succeeding year. There is a statement, however, in the narrative that indicates unmistakably the intention of planting a colony of some considerable extent. The writer says that early in September, when the natives were leaving for the winter settlement up the sound, "we made these chiefs sensible in how many moons we should return to them, and that we should then be accompanied by others of our countrymen, and build more houses and endeavor to introduce our manners and mode of living to the practice of our Nootka friends." He speaks of their pleasure at hearing this and of their promise of large quantities of furs; then narrates an elaborate ceremony of coronation performed by the chief, Maquilla, and his companions, which, he says, was intended as a recognition of his superiority and sovereign power over them.[a] If Meares understood that by this childish act of crowning he acquired for Great Britain sovereign rights over the district, he makes no effort to emphasize the fact. The statement, if true, is of more value as showing a definite intention to establish a colony the following year. It is not impossible, however, that both of these are cunningly contrived and rather overdrawn fabrications of a later date to strenghten his case before the Government or in the eyes of the public. Greenhow and Bancroft both seem to draw a line between Meares's narrative and his memorial, considering the former more trustworthy since the latter was written for the express purpose of convincing the cabinet of the justice of his cause. If the narrative were the original log of the vessel instead of a subsequent account simply using that log as its basis, the reason for the distinction would be clear. But besides the indications in the preface and the date, November 16, 1790, attached to the preface, there are internal evidences that the narrative was not written, at least not completed, until Meares knew of the operations of the Spaniards at Nootka in 1789. Hence there is no reason why it should not be influenced by the same partisanship and selfish interest.[b]

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[a] Meares, Voyages, appendix, Memorial, VI.

[b] Meares to Douglas, *Felice*, Friendly Cove, in King Georges Sound, September 20, 1788. (Meares, Voyages, Appendix V.)

[c] Id., 334.

But whether he really did or did not make the statement to the chiefs in September, 1788, concerning planting a colony the next year, he proceeded exactly as he would be expected to have proceeded had he made it. The question as to what became of the house built in 1788, whether it was given to the chief as promised, or whether it was torn down by Douglas before leaving for the Sandwich Islands, according to the testimony of the American captains, Gray and

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[a] Meares to Douglas, *Felice*, Friendly Cove, in King Georges Sound, September 20, 1788. (Meares, Voyages, Appendix V, p. 217.)

[b] Note his reference to the killing of Callicum by the Spaniards in 1789. (Meares, Voyages, 118; also see 217, 218, referring to Colnett's expedition of 1789.) His preface would lead one to think that the writing of his narrative was entirely an afterthought. He mentions as his motives the wishes of friends, the political circumstances of the moment [the diplomatic controversy with Spain], and public expectation. He says: "I little thought it would be my future lot to give this part of my maritime life to the world. If I had looked forward to the possibility of such an event I should have enlarged my observations and been more minutely attentive," etc. But the fact that in his list of subscribers he gives the names of a number of men living in China shows that before leaving there, at least, he expected to publish his narrative. All of this tends to depreciate the value of his statements where his interests are at stake.

Ingraham,[a] does not greatly affect the case, if the Englishmen really intended to continue the occupation in 1789, as they unquestionably did. If there were nothing else to consider, and if the title to sovereignty rested wholly on actual occupation, whether that occupation be by persons of a public or private character, then England had a better claim than Spain to the sovereignty of Nootka Sound at the beginning of the year 1789. But there are other things to consider. It remains to be seen whether or not they outweigh this English advantage.

The next man to demand careful attention in studying the English preparations for occupying Nootka is Capt. James Colnett, also a lieutenant in the royal navy. He had been a midshipman with Captain Cook and had served for several years on a man-of-war.[b] In the autumn of 1786 he left England, in command of the ship *Prince of Wales*, owned by Etches & Co., of London. This company held a license from the South Sea Company good for five years after September 1, 1786, for trading in the South Sea and other parts of America.[c] Colnett went to the South Sea by way of Cape Horn. He reached the northwest coast in 1787, collected a cargo, and continued his voyage to China, where he disposed of it.[d] While in China he became identified with Meares's project for planting a colony at Nootka. The latter, after his arrival in China in the autumn of 1788, had set about preparations for the expedition of the succeeding year. While he was engaged in this, Colnett reached Canton. Since the latter carried a license from the South Sea Company, Meares saw an advantage to be gained by enlisting his services, as this would give governmental sanction and protection to the proposed establishment. Meares and his associates formed a joint stock concern with Etches & Co., through the agency of John Etches, who accompanied Colnett's expedition as supercargo. As the *Prince of Wales* was to return to England, a new ship was purchased and named the *Argonaut*, and Colnett was transferred to it. The small ship, the *Princess Royal*, which had accompanied him on the former voyage, continued with him on this. Besides having command of the vessels, all of the concerns of the company on the American coast were committed to his charge, including the proposed colony.[a]

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[a] Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Greenhow, Oregon and California, 414.) (Prejudiced.)

[b] Colnett, Voyage, vii.

[c] Spanish translation of an extract from the "License from the governor and company of merchants of Great Britain for trading in the South Sea and other parts of America, to Richard Cadman Etches and Company to trade in the places where the South Sea Company has the privilege by an act of Parliament." (MS. Arch. Gen. de Indias, Seville, 90-3-18.) It was signed by the secretary of the company and dated August 4, 1785. They were forbidden to trade south of 45° on the northwest coast. (See Colnett to the Viceroy, October 1, 1789; Arch. Gen. de Indias, Seville, 90-3-21.)

[d] Spanish translation of Colnett to the Viceroy, October 1, 1789. (Id.)

A clear notion of the character of the expedition thus placed under the command of Colnett may best be obtained by a careful examination of the instructions given to him before his departure from China. The copy of these that was submitted with Meares's Memorial is dated Macao, April 17, 1789, and signed "J. Meares, for Messrs. Etches, Cox & Co.[b] A Spanish translation of the same, copied from the papers that fell into the hands of the Spaniards, is signed "Daniel Beale, for himself and for Messrs. Etches, Cox & Co."[c] While this discrepancy has no importance in discovering the intent of the expedition, it casts a side light on the veracity of Meares. The Spanish copy is preferably to be trusted, since no motive is apparent for their changing the signature. In these instructions strictly honorable dealings and careful attention to their needs is enjoined in all his intercourse with other vessels, whether English or foreign. Cruelty to the natives is to be prevented under penalty of condign punishment for offenders. He was to form a treaty, if possible, with the various chiefs, especially those near Nootka. The purpose was to monopolize the trade of the district and so conquer competitors honorably and creditably. They were so anxious to form such treaties that he was authorized to protect allies from insult from all persons.[a] The factory planned was to be a "solid establishment, and not one that is to be abandoned at pleasure." Colnett was authorized to fix it at the most convenient place, so that the colony would be protected from the least sinister accident.[b] It was to receive the name "Fort Pitt." R. Duffin was to be invested with the superintendence of it.

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[a] Meares, Memorial, appendix to Voyages. Also Colnett to the Viceroy, October 1, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.) The latter represents Colnett as the chief promoter, while the former represents Meares in that capacity. Colnett says that the *Prince of Wales* had broken her keel and was not in a condition to make another such a voyage, so that the correspondents of his company offered him the *Argonaut*. It seems that some difficulty had arisen over the fact that the license which Colnett bore was for his use on the *Prince of Wales*. He told the Viceroy that if he had apprehended any disadvantage arising from his change of ships it would have been easy to have named the new ship the *Prince of Wales* also. He had not considered it necessary.

[b] Meares, Memorial, appendix to Voyages, Inclosure II.

[c] Translation of the instructions given by the owners of the English ship *Argonaut* to its captain, James Colnett, not dated. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

The object of the post was to attract the Indians for commercial purposes and to furnish a place to build small vessels and to lay them up for the winter season. During each winter some vessels were to be sent to the Sandwich Islands for provisions, and natives of those islands, both men and women, were to be encouraged to embark for the American colony. When this settlement should have been effected trading houses were to be established at other places along the coast where they would be the most advantageous. Preparatory to this rewards were to be offered the first season to men who would reside with different Indian chiefs for the purpose of collecting furs and assuring the natives of the return of the vessels, thus encouraging them to keep back their furs from competitors. The *Iphigenia*, which went out the preceding year under Meares's command, and also the *North-West America*, which he had built on the coast, were to be under the command of Colnett. The rest of the instructions are of no interest to the Nootka Sound Affair.[c]

With these instructions and with provisions for three years the two vessels sailed from China, the *Princess Royal* in February and the *Argonaut* in April, 1789.[a] They carried, "in addition to their crews, several artificers of different professions and near 70 Chinese, who intended to become settlers on the American coast."[b] The plans are seen to have been large with hope for the future, and there seems to have been every reasonable prospect for success. Should they be successful it would mean not only a fortune for the merchant adventurers and a worthy monument to the wisdom of the projectors, but it would mean also the definite planting of the British flag on an unoccupied coast and the extension to that coast of the sovereignty of Great Britain. But while these plans were taking shape other plans were being laid elsewhere, which, before the arrival of Colnett's expedition, had totally changed the appearance of things at Nootka. A discussion of these will occupy the next two chapters.

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[a] This policy of protecting allied chiefs against their enemies was begun by Meares during the previous year. He loaned firearms and furnished ammunition to the Nootka Indians for an expedition against a neighboring tribe which had committed depredations on one of their villages. (See Meares, Voyages, 196.)

[b] Nootka was not especially mentioned, but the intention was so evident that mention was unnecessary. The option as to the place in which it was to be established probably did not refer to a possible choice between Nootka Sound and some other part of the coast, but to the selection of the most favorable spot on the sound. As showing Meares's tendency to distort facts, he says in his Memorial: "Colnett was directed to fix his residence at Nootka Sound, and, with that in view, to erect a substantial house on the spot which your memorialist had purchased the preceding year, as will appear by a copy of his instructions hereto annexed."

[c] Meares, Memorial, appendix to Voyages, Inclosure II; and MS. Arch. Gen. de Indias, 90-3-18.

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[a] Meares, Voyages, 106.

[b] Meares, Memorial, appendix to Voyages, Inclosure II. It is seen that a majority of the settlers for the proposed colony were Chinese, conformably to the idea that Meares expresses in his narrative and to which reference was made in the early part of this chapter. There is a discrepancy in the statements concerning the number of Chinese. In several Spanish manuscripts the statement is made that there were 29. The name of each is given. (See MS. Arch. Gen. de Indias, Seville, 90-3-18.)

Chapter III.

THE SPANISH PLANS FOR OCCUPYING NOOTKA SOUND—THE CONFLICTING CLAIMS BEFORE 1789.

The Spanish name of most importance in connection with affairs at Nootka is that of Estevan José Martinez. Besides playing the chief rôle in the drama enacted there in 1789, which proved to be but the prelude to a greater drama played in Europe the following year, it was he who first suggested the planting of a Spanish colony at this point. This is contrary to the notion prevalent in the minds of the diplomats when the controversy was at its height, a notion which has been more or less accepted ever since, viz, that one or more of the Governments concerned had engaged in the enterprise with malice aforethought, having some ulterior end in view. These suspicions will be discussed in their proper place. At present it suffices to show, from documentary sources, the actual genesis of the original Spanish expedition.

On the return of Martinez, late in 1788, from a voyage to Alaska, where he had gone under a royal commission to investigate the Russian settlements on the coast, he reported to Florez, the Viceroy of Mexico, as follows:

> Cusmich also told me that, as a result of his having informed his Sovereign of the commerce which the English from Canton are carrying on at Nootka, he was expecting four frigates from Siberia to sail next year for the purpose of making an establishment at Nootka, situated in latitude 49° 36′ north and in longitude 20° 15′ west from San Blas. He assured me that his Sovereign has a better right to that coast than any other power on account of its having been discovered by the Russian commanders, Behring and Estericol [Chirikov], under orders from the Russian Court in the year 1741. For this reason it seems to me advisable that an attempt should be made next year, 1789, with such forces as you may have at hand, to occupy the said port and establish a garrison in it. According to what is learned from the work of Cook and from what I saw on my first expedition to that place (which I made in 1774), it possesses qualifications which

> adapt it to this purpose. By accomplishing this we shall gain possession of the coast from Nootka to the port of San Francisco, a distance of 317 leagues, and authority over a multitude of native tribes. [I say this, at the same time] offering myself to carry out the project, and to prove the feasibility of it I will sacrifice my last breath in the service of God and the King, if you approve it.[a]

This letter was written from the port of San Blas on December 5, 1788. Only eighteen days later the Viceroy wrote from the City of Mexico to the home Government that he had determined to occupy Nootka at once, although the royal orders did not warrant him in so doing.[b] On the same day Martinez was commissioned to carry out the enterprise, and his instructions were sent to him.[c] In his letter to Madrid, the Viceroy says "the essential object of this new expedition is no other, as I have indicated, than the anticipation of the Russians in taking possession of the port of San Lorenzo or Nootka." Ten days later, in justification of his action, he wrote that it was true he was forbidden to incur expenses without special royal order, but since this was an extraordinary case, demanding prompt action, he begged for the royal approval.[d] This approval was granted, but not until April 14, 1789,[e] when Martinez was already well on his way to Nootka. It could not have been known in America in time to affect the events at Nootka. Far, then, from there being any ground for the suspicion that the Spanish Government had ordered the seizure of English vessels, which resulted from this undertaking, the Madrid Government did not so much as know that the expedition was to be sent until long after it had sailed. Further, even in the mind of the Viceroy, there was not the slightest thought of any interference with the English, the expedition being directed solely against the Russians. It is also seen that whatever glory it promised for Spain, or whatever opprobrium attached to Spain because of the unfortunate events connected with it, must be placed largely to the credit of Martinez. But he was not wholly responsible, since his plan was authorized by the Viceroy and later approved by the home Government.

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[a] Martinez to Florez, San Blas, December 5, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) La Perouse, of a French scientific expedition, had reported that Russian settlements were being made on the American continent north of California. The Spanish expedition was sent under a royal order of January 25, 1787. Martinez, of the *Princesa*, was in command, and Lopez de Haro, of the *San Carlos*, was subordinate. They reported six settlements, having in all about 500 inhabitants. An autograph copy of Martinez's diary of this expedition, containing 213 pages, is in the same bundle as the above letter. It contains also the diary of Mendosia, second pilot. Greenhow, Oregon and California, 185, gives a short account of this voyage, which he says is based on a copy of Martinez's diary obtained from the hydrographical office at Madrid. Bancroft, Northwest Coast, I, 184, also gives a brief account, likewise taken from a copy of Martinez's diary.

[b] Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[c] Florez to Martinez, December 23, 1788. (Id.)

[d] Florez to Valdez, Mexico, January 2, 1789. (Id.)

[e] Florez to Revilla-Gigedo, Mexico, September 2, 1789. (Id., 90-3-14.) In this, mention is made of a royal order of April 14, giving approbation.

It is a fact of some significance, as an indication of the political sagacity of the Viceroy, that he apprehended much more danger to Spanish dominion on this coast from the new United States than from England or even Russia. While the English were only mentioned in connection with the known plans of Russia, considerable space was devoted to discussing a probable attempt of the American colonies to obtain a foothold on the western coast. As proof he mentioned the fact that an American ship, which had touched at the islands of Juan Fernandez in the same year, had continued its voyage to the coast. He expressed a suspicion that it had this end in view.[a] He told also of an overland trip made in 1766–67 from the English colonies,[b] and closed his observations on this point with the prophetic statement: "We ought not to be surprised that the English colonies of America, being now an independent Republic, should carry out the design of finding a safe port on the Pacific and of attempting to sustain it by crossing the immense country of the continent above our possessions of Texas, New Mexico, and California." He added: "Much more might be said of an active nation which founds all of its hopes and its resources on navigation and commerce," and mentioned the immense value to them of a colony on the west coast of America. He continued: "It is indeed an enterprise for many years, but I firmly believe that from now on we ought to employ tactics to forestall its results; and the more since we see that the Russian projects and those which the English may make from Botany Bay, which they have colonized, already menace us." It was, then, he said, to dissipate for the future the dormant possibilities of the present that he was taking the extraordinary step of formally occupying the port of Nootka without royal authorization.[a]

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[a] The ship was the *Columbia*. See the latter part of this chapter.

[b] That of Jonathan Carver from Boston.

After thus setting forth to the Government at Madrid the reasons for his action, the Viceroy outlined the plans for the expedition. It was to consist of the two vessels, the *Princesa* and the *San Carlos*,[b] which had constituted the expedition of 1788. They were also to retain the same officers—Martinez as commander, and Haro subject to his orders. They were to sail from San Blas early in February. A packet boat would follow in March with supplies and reënforcements, and would bring back an account of the occupation. Later, according to events, explorations of the coast to the northward and southward would be made. A land expedition was to follow, including a chief, a detachment of troops, missionaries, colonists, and live stock.[c]

Since the whole of the Nootka affair grew out of measures taken by Martinez while on this trip, it is worth while to examine in detail the instructions under which he was operating. After alluding to the happy termination of Martinez's voyage just ended, the Viceroy referred to the Russian plans for occupying Nootka to anticipate the English, and said "these designs of either nation are as pernicious to our country as their claims are unfounded." The Russian commanders failed to explore the ports, Florez continued, and the English captain, Cook, did not see Nootka until 1778, four years after the expedition of Perez "on which you yourself went as second pilot. For these and many other weighty reasons our just and superior right to occupy the coasts discovered to the northward of California and to forbid colonies of other nations is clear. These important objects, indeed, are embraced in the delicate expedition which I now place in your charge."

The following are his instructions:

1. The two vessels and their commanders were named.
2. They were to have the same officers and sailors as on the last voyage, with some increase of troops, and an armament correspond-

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[a] Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[b] *San Carlos el Filipino* seems to have been the full name. It is here and often elsewhere in the documents spoken of simply as *El Filipino*. In English writings it is usually called the *San Carlos*.

[c] Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, 90-3-18.)

ing to the crew, and the crew were to be drilled in the use of that armament.

3. The expedition should sail not later than February 15.

4. In March the *Aranzazu* should follow with reënforcements and supplies for Nootka, as well as other settlements of New California.

5. This vessel should bring back an account of what should have happened and an estimate of the necessary supplies and reënforcements which would be returned by it or by the *Concepcion*, or both.

6. A plan of the port of Nootka, copied from Cook's work, was to serve as a guide.

7. Kindness, voluntary trade, and opportune gifts were to capture the good will of the natives; in this endeavor the discretion of the four missionaries was to be used. These were to begin at once to propagate the gospel.

8. A formal establishment was to be set up for a meeting place to treat with the Indians and for protection from the weather and from enemies.

9. This would be a manifestation of Spanish sovereignty. Part of the people were to be kept in this during the day, but returned to the ship at night for greater security.

10. "If Russian or English vessels should arrive, you will receive their commanders with the politeness and kind treatment which the existing peace demands; but you will show the just ground for our establishment at Nootka, the superior right which we have for continuing such establishments on the whole coast, and the measures which our superior Government is taking to carry this out, such as sending by land expeditions of troops, colonists, and missionaries, to attract and convert the Indians to the religion and the mild dominion of our august Sovereign."

11. "All this you ought to explain with prudent firmness, but without being led into harsh expressions which may give serious offense and cause a rupture; but if, in spite of the greatest efforts, the foreigners should attempt to use force, you will repel it to the extent that they employ it, endeavoring to prevent as far as possible their intercourse and commerce with the natives."

12. "For use with the Russians, you will keep in mind and avail yourself of the well-founded political reasons for Spain's being in intimate friendship with their sovereign Empress, viz, that the ships of that nation, both naval and merchant, are admitted to the Spanish ports of the Mediterranean and given such assistance as they may need, without which they could not subsist in those seas; that consequently it would be a grave offense for the vessels of His Catholic Majesty to suffer hostilities in America at the hands of the Russians, furnishing just cause for a breach between two friendly powers; and that in this case Spain would count on the powerful support of her French ally, besides withdrawing from Russia the privilege of obtaining supplies in the Mediterranean at a time when she finds herself engaged in war with the Turks, with Sweden, and possibly with Denmark."

13. "To the English you will demonstrate clearly and with established proofs that our discoveries anticipated those of Captain Cook, since he reached Nootka, according to his own statement, in March of the year 1778, where he purchased (as he relates in Chapter I, book 4, page 45, of his work)[a] the two silver spoons which the Indians stole from yourself in 1774."

14. "You will have more weighty arguments to offer to vessels of the Independent American Colonies, should they appear on the coasts of northern California, which hitherto has not known their ships. However, by a letter of the most excellent Señor Viceroy of Peru, it is known that a frigate, which is said to belong to General Washington,[b] sailed from Boston, in September of 1787, with the intention of approaching the said coasts, that a storm obliged her to stop in distress at the islands of Juan Fernandez, and that she continued her course after being relieved."

15. "In case you are able to encounter this Bostonian frigate or the small boat which accompanied her, but was separated in the storm, this will give you governmental authority to take such measures as you may be able and such as appear proper, giving them to understand, as all other foreigners, that our settlements are being extended to beyond Prince Williams Sound, of which we have already taken formal possession, as well as of the adjacent islands, viz, in 1779."

16. A plan of Prince Williams Sound was inclosed, for it was intended that a careful survey of the entire coast should be made between it and Nootka.

17. The *San Carlos* was to make this expedition after the establishment at Nootka should be completed.

18, 19. Instructions for the exploration.

20. The coast from San Francisco to Nootka was to be explored in like manner, the latter port being the rendezvous. The Viceroy would do all he could to contribute to the welfare of the enterprise thus placed under Martinez's charge.

21. Great care was enjoined in the treatment of the Indians and of any establishments or vessels of foreign nations that might be encountered.

22. The means to be employed to preserve health.

23. Good wishes for Divine favor and for the success of the voyage.

As an argument for use with the English, in addition to what he had given in section 13, the Viceroy added, in a postscript, reference to the instructions given by the English Admiralty to Captain Cook, July 6, 1776. Cook, he said, was not to touch at any port in the Spanish dominions on the west coast of America unless forced by unavoidable accident, in which case he was not to remain longer than absolutely necessary, and was to avoid giving the least cause for complaint to any of the inhabitants of the country or to vessels of His Catholic Majesty.[a]

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[a] This reference to Cook's Voyages reads: "But what was most singular, two silver tablespoons were purchased from them, which, from their peculiar shape, we supposed to be of Spanish manufacture."

[b] An obvious error, since General Washington had nothing to do with it. This was the *Columbia*. Her consort was the *Lady Washington*. Confusion arising from the name of the latter perhaps caused the error.

The vessels sailed from San Blas February 17, 1789.[b] These instructions, as well as those given to the English expedition of the same year, look toward a permanent establishment at Nootka, which was to be used as a basis for future operations on the coast. Each expedition was sent without any knowledge that the other was even thought of. The instructions given to the commander of each were such as to leave no doubt in his mind as to his perfect right to carry them out. It was impossible for both to obey; hence a clash was inevitable. Before studying the occurrences at Nootka a brief examination should be made of the conflicting claims, with an attempt to discover the respective rights in the spring of 1789 before either expedition reached the common destination.

The first Englishman known to have visited Nootka Sound is Capt. James Cook. In the spring of 1778 he spent the month of April in the sound, which he explored and mapped carefully; and, being unable to learn that any European had before visited this particular part of the coast, he gave it the name of King Georges Sound, but later concluded that it would be better to call it by the native name Nootka. He obtained supplies of water, wood, fish, etc. The natives were friendly to him, and he found among them several articles, including the two silver spoons mentioned in the above instructions, which, together with the conduct of the natives, indicated that Europeans had previously been somewhere in the neighborhood, at least. No mention is made of his having taken possession of the place for England.[a] It seems that the Englishmen who were interested in the expedition of 1789 had no knowledge that any European had visited the place earlier than this visit of Captain Cook.[b] If they had such knowledge, they intentionally ignored it. This was looked upon as a real discovery and it was assumed that thereby England acquired such rights as discovery can give. Although Sir Francis Drake's landing on the California coast in 1579 was mentioned,[c] yet it seems not to have been looked upon as of very much value in establishing a claim, and, of course, was not so far north. During the years subsequent to 1785 English trading ships frequently visited Nootka. Although they were purely private undertakings, this fact had considerable value in strengthening the English claim, since they tended to develop the resources of the country. The details of these voyages are not in place here.[d] These, then, constitute the ground for the English claim up to the visit of Meares in 1788 and his erection of a house and building of a ship, which were treated in the last chapter.

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[a] Florez to Martinez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) In the above transcript of the instructions, sections 10 to 15, inclusive, are quoted in full since they were intended to guide Martinez in his intercourse with foreigners. It will be interesting later to compare his actions with these instructions. Only the substance of the other sections is given, since they have no important bearing on the subject.

[b] Instrumento de posesion, June 24, 1789. (Id.) Revilla-Gigedo in his Informe gives the date February 19 for the departure from San Blas. (See Bustamante [Cavo], Los T[illegible] Siglos, III, 127.)

It was clearly brought out in the diplomatic contest of 1790 that a Spanish expedition had examined with some care the whole coast up to about 55°, and had spent some time in this very port of Nootka or its immediate neighborhood four years before Captain Cook's visit. After the Spanish explorations of the sixteenth century, which had extended some distance up the California coast, there was a long period of inactivity in this part of the world due to the decay of the Government at home. When the temporary revival of national life came under Charles III there was also a revival of exploring enterprises on the western coast of America. Word reached Madrid through the Spanish ambassador at St. Petersburg that the Russians were making settlements on the American coast north of California. In consequence of royal orders issued the previous year, an expedition, under the command of Juan Perez, was sent from Mexico in 1774 to investigate. He had orders to examine the coast as high as 60°, but did not get beyond 55°. As he was returning he anchored early in August in a port which he called San Lorenzo, and which was later identified with Nootka Sound. Some question was raised as to its identity, but there seems to be little doubt. The latitude agrees very closely—too closely, Bancroft says. The anchorage must have been in the immediate neighborhood.[a] Revilla-Gigedo says it is believed that the commander took possession of Nootka, but Bancroft, who examined the diaries, asserts that he did not land anywhere to take possession for Spain. Martinez, who became so important in the expedition of 1789, was second pilot on this expedition of Perez. It was while at San Lorenzo in 1774 that the two silver spoons were stolen from him by the Indians. They are frequently mentioned in the Spanish manuscripts, and are accepted as proof positive that this expedition was at Nootka, and as thereby proving the superiority of the Spanish claim.[b]

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[a] Bancroft, Northwest Coast, I, 170-172; Greenhow, Oregon and California, 151-153; Cambridge Modern History, VIII, 289.

[b] Deposition of the officers and men of the *Northwest America*. (Inclosure X, with Meares, Memorial, appendix to Voyages.) They say that the sound was discovered by the late Capt. James Cook. Similar statements are made elsewhere.

[c] Instructions of the Merchant Proprietors to John Meares. (Meares, Voyages, Appendix I.)

[d] Bancroft, Northwest Coast, I, 173-181, gives an account of the most important.

In 1775, the next year after Perez's voyage, another was made by Heceta [Ezeta] with Quadra accompanying in a small vessel. The former approached the coast in the region of Nootka, but did not enter, thereupon turning his course southward. Quadra, in the little vessel, pressed onward to about the fifty-eighth degree. This expedition made landings and took formal possession for Spain of at least three points beteween 47° and 58°.[c] In 1779 a third expedition sailed from Mexico to explore the coast still farther north. It reached the sixty-first degree, Prince William Sound.[d] By these three expeditions the Spanish

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[a] Informe of Revilla-Gigedo, Bustamante (Cavo), Los Tres Siglos, III, 117–119. This gives a brief description of the voyage and the steps leading to it. Bancroft, Northwest Coast, I, 149–158, gives a description based on the diaries of the voyage. Greenhow, Oregon and California, also describes it.

[b] Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90–3–18.) See also above transcript of the instructions of Florez to Martinez.

[c] Revilla-Gigedo, Informe, Bustamante (Cavo), Los Tres Siglos, II, 199; Bancroft, Northwest Coast, I, 158-166, gives a full account.

[d] Id., 172.

Government considered that this entire coast from California northward had been sufficiently explored and that formal possession had been taken at enough places to establish thoroughly the Spanish claim. So a royal order was given in 1780 that voyages for this purpose should cease.[a]

The first two of these Spanish voyages were earlier than that of Captain Cook and included practically all that he explored, though they did not examine it so thoroughly. Hence, as far as discovery alone is concerned, these should have given Spain rights superior to any that England could have acquired by Cook's enterprise, not only to Nootka Sound, but to the whole of the Northwest Coast. But, unfortunately for the Spanish claim, there is a serious flaw in the title at this point, arising from the fact that the results of these voyages were not published, except in brief accounts.[b] It is a serious question whether a discovery which was not made known to the world could give a claim superior to one gained by a subsequent voyage whose results were made known. Reason and justice would seem to say it could not. But, besides these explorations, Spain still clung in theory at least to her ancient claim to sovereignty over the entire American continent west of the line drawn by the treaty of Tordesillas (1494), and sanctioned by Pope Alexander VI, who had drawn the arbitrary line the previous year, dividing the world between Spain and Portugal. Only as a matter of necessity had she gradually conceded the right of other nations to occupy the eastern coast of North America, and for the same reason had recently conceded the Russian control of the western coast down to Prince William Sound. This is illustrated by the facts arising out of the forced entrance of the American ship, *Columbia*, into a port of the islands of Juan Fernandez in 1788, referred to in the instructions of the Viceroy to Martinez above.

The Spanish governor of the islands, Blas Gonzales, after relieving the vessel's distress, had allowed it to go on its way to the Northwest Coast, knowing its destination.[c] For this act he had been summoned before the captain-general of Chile and cashiered. The captain-general was supported by the Viceroy of Peru and apparently by the home Government.[a] This harsh treatment was based on a royal decree of 1692, ordering all viceroys, governors, etc., to prevent foreign ships from navigating the south sea without permission from Spain,[b] since no other nation had, or ought to have, any territories which it was necessary for them to pass around Cape Horn to reach. It is needless to say that this claim was not respected by other governments. The Viceroy's assertion of the right of Spain to occupy the coasts and exclude colonies of other nations, quoted above from his instructions to Martinez, is another evidence. It had long been conceded by other nations that discovery alone, or even discovery with formal acts of taking possession, can not give a valid title. It is essential that some effort be made to use the land discovered and to develop its resources; and, before the claim is fully established, actual and continued possession must be taken.

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[a] Informe of Revilla-Gigedo, Bustamante (Cavo), Los Tres Siglos, III, 123; Bancroft, Northwest Coast, I, 172.

[b] Cook, Voyages, II, 332, says: "Some account of a Spanish voyage to this coast in 1774 or 1775 had reached England before I sailed, but the foregoing circumstances sufficiently prove that these ships had not been at Nootka."

[c] Blas Gonzales to Juan Kendrick, Isla de Juan Fernandez, June 3, 1789 [1788]. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

With discovery, exploration, and formal acts of possession Spanish activity ceased, there being no serious effort to make any use of the territory in the way of trade, and no steps being taken to occupy the country until they were aroused to do so by reports coming from the north in 1788 that the Russians were intending to occupy. In other words, either from lack of enterprise or from policy, the Spanish did not seem to care to develop the country or make any use of it themselves, but did wish to prevent any other people from doing so. Their reason for this policy of obstruction was probably an idle pride in retaining a shadowy sovereignty over this vast territory; or, possibly, a wish to retain it as a field for future enterprise; or, more likely, the hope of being able to control the Pacific outlet of any water passage to the Atlantic that might later be discovered along this coast. In the face of modern national enterprise, something more tangible was necessary in order to retain control.

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[a] Blas Gonzales later appealed to the Government of the United States to intercede in his behalf, and Jefferson, the Secretary of State, took up the matter. This will be referred to later. (See Jefferson to Carmichael, April 11, 1790, Writings V, 155.)

[b] Royal order of November 25, 1692. (MS. Arch. Gen. de Indias, Seville, 90-3-14; Greenhow, Oregon and California, 184.)

The English people, not from any fixed national policy, but from individual initiative, were taking these necessary steps and the Government was practically compelled to follow them up. As soon as Captain Cook's voyage of 1778 had made known to the English people the possibilities of the fur trade in this region, shipowners immediately turned their attention thither. Between 1785 and 1790 no fewer than 12 or 15 British vessels visited the coast to trade with the natives, several of them making return voyages, and most of them making shorter or longer stops at Nootka.[a] As has been stated, steps were taken from the very first to establish a post at Nootka as a center for these trading operations. A temporary one was actually set up by Meares in 1788, and an expedition was sent out for the purpose of making this permanent the following year. Thus, up to 1789, the English were exercising more control over the region than the Spanish. Had the English plans of this year not miscarried, and had the Spanish expedition of the same year not been sent, the question as to the respective rights, at least to Nootka and the immediate neighborhood, would probably never seriously have been raised.

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[a] See Razon de las Embarcaciones que han hecho Descubrimento al Norte de California. Firmado abordo de la Fragata *Princesa* en el Puerto de San Lorenzo de Nutca á 13 de Julio de 1789, Estevan José Martinez. (MS. Arch. Gen. de Indias, Seville, 90-3-18; Bancroft, Northwest Coast, I, Chs. VI, VII.)

CHAPTER IV.

MARTINEZ'S OPERATIONS AT NOOTKA BEFORE COLNETT'S ARRIVAL.

It was on the 5th[a] of May, 1789, that the Spanish ship anchored in Friendly Cove of Nootka Sound bearing Martinez with his instructions for occupying the port and planting a permanent colony that should be a substantial proof of the Spanish claim and serve as a center for spreading Spanish sovereignty over all the coast. Just ten days before this[b] Colnett had sailed from China with instructions and equipment to make it an English port.[c] During the next two months, while the Englishman was crossing the Pacific, the Spaniard was making good use of the time. When the latter reached Nootka there seems to have been no visible sign that the English had ever occupied the place or even intended to occupy it. The only evidence of civilization was one vessel under a Portuguese captain with Portuguese instructions and a Portuguese flag. It soon became known that there was also an American ship a few miles away up the sound.

It has never been conclusively proved that the house which Meares built the summer before had entirely disappeared. In a letter written three years later to the Spanish commandant at that time the American captains, who had spent the winter of 1788–89 at Nootka, declared that when Martinez arrived there was no trace of Meares's house in the cove; that there had been a house, or rather a hut, when they arrived in the fall, but that, prior to his sailing for the Sandwich Islands, Captain Douglas had pulled it to pieces, had taken the boards on board the *Iphigenia*, and had given the roof to Captain Kendrick, who had used it as firewood.[a]

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[a] This is the date according to the Spanish documents. The English give May 6. This difference of one day between the English and Spanish dates for the events at Nootka continues during the summer of 1789. For some time no explanation appeared. But Prof. C. H. Hull suggested that it was probably due to the fact that the English vessels came from Europe by way of China, while the Spanish came from Mexico. Since the present custom of dropping a day from or adding one to the calendar in mid-Pacific, or upon crossing the international date line, was apparently not observed at that time, the suggestion seems to be a plausible explanation. On the strength of it the Spanish dates have been adopted instead of the English. Since all previous writers in English have given the dates according to the English documents, the dates given in this monograph will disagree with those of all previous accounts.

[b] Meares, Voyages, 106.

[c] See Chapter II, ante.

While there is no proof that the statement of these gentlemen is not true, yet they were too plainly prejudiced in favor of the Spanish to permit their testimony to be taken for its full face value in the absence of any corroborating evidence. There is, however, some indirect evidence to support their statement, and its value is the greater because of its being indirect, and still greater because it comes from the side of the English to whose interest it would have been to maintain the contrary. This appears in the extract which Meares quotes from the journal of the *Iphigenia*. In the entry made two days after his return from the Sandwich Islands and two weeks before the arrival of Martinez the writer says: "[We] sent some sails on shore and erected a tent to put our empty casks in."[b]

If their house had still been standing they would doubtless have used it for this purpose instead of erecting the tent. Further, the fact that no mention is made of the house in this journal is pretty conclusive proof that it was not in existence on their arrival. Meares's narrative of the departure of the *Iphigenia* in the preceding autumn is silent on the subject. In fact, there is no statement made even in Meares's memorial that his house was still standing; but the memorial is so written, doubtless intentionally, that the casual reader would infer that the house was still there and that evidences of English occupation were unquestionable. This is doubtless what has led most historians who have touched upon the subject, among whom are some of the best, into the error of implying or openly declaring that there was a substantial English colony when the Spanish expedition arrived.[a]

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[a] Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.) Quadra was the Spanish commissioner sent in 1792 to carry out the Nootka convention, and was collecting evidence to strengthen the Spanish case.

[b] Extract from the journal of the *Iphigenia*, entry for May 22. (Inclosure XII, with Meares, Memorial, appendix to Voyages.)

It was also this failure of Meares to tell the whole truth that led the British Parliament and ministry into the error of believing that their rights to the place were unquestionable and that the conduct of the Spanish commandant was little better than high-handed robbery.[b] It is, then, pretty safe to assert that there was no indication whatever of English occupation when Martinez arrived, and that he was consequently perfectly justified in taking possession for Spain and in maintaining his position by force if it should become necessary. The question, therefore, is not, Was he justified in his first act? but, Were his subsequent acts of violence necessary to maintain his position?

Captain Kendrick, of the American ship *Columbia*, which Martinez found at Nootka, and Captain Gray, of her consort, the *Lady Washington*, which was out on a trading cruise at the time, were slightly involved in the relations between the Spanish and English commanders. But the vessel under Portuguese colors furnishes the center of interest for the first month of Spanish occupation.

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[a] See Lecky, England in the Eighteenth Century, V, 206–207, who says: "The Spaniards had never penetrated to it, but by virtue of a bull of Alexander VI they claimed a sovereignty over all lands comprised between Cape Horn and the sixtieth degree of north latitude; in other words, the entire western coast of both South and North America, and when, after a considerable interval, they discovered the existence of a British settlement in these parts they determined to suppress it. Two Spanish ships of war accordingly hastened to Nootka Sound, took possession of the British settlement, hauled down the British flag, replaced it by the flag of Spain, captured four English vessels, and treated their crews with extreme harshness and indignity." His failure to investigate the subject is further shown by his statement in the next sentence: "These events took place in April of 1789." This error in date is doubtless derived from the indefinite statement of the date in Article I of the Nootka convention of October 28, 1790.

Worthington C. Ford, United States and Spain in 1790, p. 18, is still further in error. He says: "The Spaniards had laid claim to nearly the whole of the western coast of America, from Cape Horn to the sixtieth degree of north latitude, and had watched with a feeling of jealousy, aggravated by a sense of injury, the establishment of a British settlement in Nootka Sound, on Vancouvers Island. This inlet of the sea had been first explored by Captain Cook in one of his voyages, and on the establishment of the English in India became a trading station, colonized by the English and recognized by grants of land from the natives. After three years of undisturbed possession the little settlement was surprised by the arrival of two Spanish ships of war from Mexico, which seized an English merchant vessel, the *Iphigenia*, imprisoned her crew, looted the vessel, and pulling down the British flag on the settlement raised that of Spain, and subsequently treated all comers as intruders."

Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Revolution, 282, after speaking of the arrival of Martinez and his seizure of the *Iphigenia*, says: "Martinez ergriff darauf Besitz von einer der kleinen Inseln, erbaute auf derselben eine Batterie, bemaechtigte sich der englischen Gebaeude, nahm die britische Flagge herunter und pflanzte die spanische auf."

[b] See discussion of the negotiations of 1790 below.

This vessel was the *Iphigenia*, which had sailed from China in company with the *Felice*, under Captain Meares, in the spring of 1788, but which had separated from the latter vessel, had spent the summer in trading on the coast of Alaska and had rejoined her consort in the autumn at Nootka, where they again separated, the *Felice*, under Meares, sailing for China with the furs collected by both vessels, and the *Iphigenia*, under Douglas, accompanied by the small vessel, the *Northwest America*, built at Nootka during the summer, going for the winter to the Sandwich Islands.[a] Returning to the American coast in the spring of 1789, the *Iphigenia* had reached Nootka sixteen days before the arrival of Martinez. Four days after her the little vessel, her consort, arrived, and preparations were immediately made to send the latter out on a trading cruise, that they might not be worsted in competition by the American sloop, the *Lady Washington*, which had just returned from a six weeks' cruise to the southward and would soon set out on a similar trip to the northward. In four days more the necessary repairs were made, and on April 27 the *Northwest America* set out to trade with the natives to the northward,[b] not returning, and consequently not being of any further interest for six weeks, at the end of which time she assumes considerable importance.

The double national character of the expedition to which the *Iphigenia* belonged has already been discussed.[c] When, on May 5, the Spanish ship appeared, it was evidently thought better—for reasons which are not disclosed—to present the appearance of a Portuguese rather than an English ship. During the first few days all of the commanders seem to have been on the best of terms. According to the journal of the *Iphigenia*, Douglas was invited to dine on board the Spanish ship on the day of Martinez's arrival.

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[a] See ante, Chapter II.

[b] Extract from the journal of the *Iphigenia*. (Inclosure XII, with Meares, Memorial, appendix to Voyages.)

[c] See ante, Chapter II.

Three days later the officers of the *Iphigenia* and of the Spanish vessel all went to dine with Kendrick, the captain of the American ship, and the next day the officers of the American and Spanish ships dined on board the *Iphigenia*.

Thus, up to the 9th of May the utmost harmony prevailed. Douglas had acquainted Martinez with the distressed condition of his ship and the latter had promised to relieve him as far as lay in his power. On the 8th the Portuguese instructions and passport of the *Iphigenia* had been presented to Martinez.[a] These seem to be what started the difficulty. In his account to the Viceroy, Martinez says:

> On my arrival in it [the port of San Lorenzo de Nootka] I found a packet boat, with its captain (flag) and passport of the Portuguese nation, but its supercargo (who was really the captain), its pilot, and the greater part of its crew English.[b]

The passport was signed by the governor and captain-general of the port of Macao, in China, and began:

> Be it known that from the port of this city is sailing for the coasts of North America the sloop named the *Iphigenia Nubiana*. It belongs to Juan Carvalho,[c] a subject of the same master of this port, and is of 200 tons burden, having artillery, powder, balls, arms, and munitions necessary for its defense, and carrying as its captain Francisco Josef Viana, also a subject of the same Crown, and of competent ability.[d]

The instructions were addressed to Viana, captain of the sloop *Iphigenia Nubiana*, and signed by Juan Carvalho. Besides the perplexity of the double nationality of the vessel, Martinez's suspicions were aroused by what he considered an obnoxious clause in the instructions. It read:

> In case of your meeting on your voyage with any Russian, Spanish, or English vessels, you will treat them with the greatest possible friendship and permit them (if they demand it) to examine your papers that they may see the object of your voyage, taking care at the same time to avoid surprise, if they should attempt to divert you from your voyage. In such case you will resist force by force and protest against such violent and illegal proceedings before a tribunal at the first port in which you arrive, giving also an estimate of the value of the ships and cargoes. You will send to us at Macao a copy

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[a] May 9, according to the English account.

[b] Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[c] Variously spelled in the documents—"Cavallo," "Carvallo," "Caravallo," "Caravalla," and "Caravalho."

[d] Spanish translation of the passport of the *Iphigenia*, signed Macao, October 17, 1787. (Arch. Gen. de Indias, Seville, 90-3-18.)

of said protest, with a narrative of all that shall have occurred, and another such to Francisco Josef Bandieras and Geronimo Ribeiro Nores, our correspondents at Lisbon, and likewise to the Portuguese ambassador, at the Court of the nation of the aggressor, in order that our Sovereign may demand satisfaction. If, perchance, in such conflict you should have the superiority, you will take possession of the vessel and its cargo, conducting them, with the officers, to Macao, in order that they may be condemned as legal prize and the officers and crew punished as pirates.[a]

Rightly or wrongly, Martinez thought that these instructions justified him in demanding an explanation. Since this is the first of the vessels seized, and in order to show that the Spanish commander considered that he was acting under instructions and with full authority, the whole of the first of a series of affidavits regarding the affair is here quoted:

On board the frigate of His Majesty named *Our Lady of the Rosary*, alias the *Princesa*, on the 13th[b] day of the month of May, 1789, I, an ensign of the royal navy, Don Esteban José Martinez, appointed commander in chief of this expedition by the most excellent Señor Viceroy Don Manuel Antonio Florez for occupying and taking possession of this port of San Lorenzo de Nootka, where I am anchored, declare: That, in virtue of the instructions and other superior orders, dated the 23d of December of the year last passed, 1788, and according to an order of His Majesty in Arto. 17, Tito. 5, Trato. 6, of the royal orders for the navy, I ought to order and have ordered to appear before me Don Francisco Josef Viana, an inhabitant of Lisbon and captain of the packet boat named the *Iphigenia Nubiana*, coming from Macao, which I found on the 5th of the present month anchored in this aforesaid port, and likewise that he should be accompanied by the so-called supercargo, M. William Douglas, in order that each one, in so far as he is involved, may vindicate himself, in view of the charges which I have to make against them, according to the cited article of the royal orders, on account of sections 18 and 19 of the instructions which the said captain presented to me on the 8th of the present month.

This affidavit was signed by Martinez before the notary, Canizares. Following it is one by the interpreter of the expedition saying that he delivered the above order, and then comes a long one giving an account of the interview that followed.

Viana, the captain, Douglas, the supercargo, and Adamson, the first pilot, immediately answered the summons, and repaired on board the *Princesa*. Martinez began by demanding an explanation for their having anchored in a port of the Spanish dominions without a license from that Monarch. They replied that they were there in virtue of their passport from the governor of Macao; that, as to this port's belonging to the Spanish dominions, they were ignorant of it, since the fact had not been published at the European Courts; and that they were informed by the first article of their instructions that this coast had been discovered by the Portuguese Admiral Fonte in 1640.[a] To this last Martinez responded that Portugal was at that time under the dominion of Spain. He likewise charged them to tell who this Carvalho was that had given such despotic instructions as the minister of a sovereign would hardly have given; to which they answered that he was the owner of the vessel. He then charged them with articles 18 and 19 of their instructions (the objectionable clauses quoted above). They replied that the articles in question had been misinterpreted; that they ordered Viana, in case his crew mutinied and he met with the vessel of a foreign nation, to appeal to that vessel for assistance in imprisoning his own crew and conducting them to Macao, and that the mutinous crew were the ones to be punished as pirates. Martinez insisted that this was not the true import of the articles, but a clumsy pretext. Considering their defense unsatisfactory, according to the cited article of the orders for the royal navy, Martinez demanded in the name of the King that they should surrender themselves as prisoners of war. The affidavit giving account of this was signed by Viana, Douglas, and Martinez before Canizares.[b]

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[a] Spanish translation of the instructions of Carvalho to Viana, Macao, October 23, 1788 [1787]. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[b] May 14, according to the English account, is the date usually given.

This is Martinez's account of the arrest, written at the time or very soon thereafter, since it bears the signature of Viana and Douglas, and they would have been most unlikely to sign it if they had not been compelled to do so while in captivity. It is very doubtful whether Martinez was truthful in his report of the clumsy fabrication offered by Viana and Douglas in defense of the objectionable clause. To have offered such, expecting it to be believed, they would have had to be either very stupid or absolutely certain that Martinez and all his associates were entirely ignorant of the Portuguese language—a very unlikely circumstance. This false defense may have been invented by the Spanish commander to give more color to the justice of the arrest. It would be more charitable and possibly more just to suppose that owing to his imperfect understanding of the language that they used, or its imperfect translation by his interpreter, he understood them to say this when they really said something very different. It is quite evident that his first translation of what he considered the objectionable clause in their instructions was incorrect. For in his rendering of it in the above account of the investigation he makes the clause read that Viana was to treat with respect all English, Russian, and Spanish vessels whose force was superior to his own, but, if he had the superior force, he was to seize them and carry them to Macao, where their crews should be tried as pirates. This is what he referred to when he spoke of their being so despotic. It is impossible to understand how, in a correct translation, he could have seen anything so obnoxious as he claimed to see. If, however, this rendering had been the correct one, it would have made the *Iphigenia* virtually a pirate ship, and Martinez would have been fully justified. But if his first translation was faulty, his later one was correct, as will be seen by comparing the quotation from it given above with the instructions of the Merchant Proprietors to Meares, the English commander of the expedition. They correspond almost word for word, differing only in the details necessary to give the appearance of a Portuguese instead of an English expedition.[a]

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[a] Bancroft, Northwest Coast, I, 115–118, gives an account of the supposed voyage of Fonte, which he thinks was never made. Nothing is said of Fonte's being a Portuguese, and the expedition is said to have been under orders from Spain and the viceroys.

[b] MS. Arch. Gen. de Indias, Seville, 90-3-18.

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[a] Appendix I to Meares, Voyages. It is interesting to compare the instructions of Meares, the English captain of the *Felice* and commander of both vessels, with the instructions of Viana, the pretended Portuguese captain of the *Iphigenia*. These two correspond much more closely than those of Viana and Douglas. The latter's were subinstructions given by Meares at sea. It may be that Juan de Mata Montero de Mendeza, the pretended Portuguese captain of the *Felice*, bore subinstructions from Viana similar to those of Douglas. The differences between Meares's and Viana's instructions are more striking than their similarities. The former is told that the coast was first discovered by Drake, in 1579; the latter by Fonte, in 1640. The former is told to proceed alone to America if he finds himself retarded by the slow progress of the *Iphigenia*; the latter is to do the same if detained by the bad sailing of the *Felice*. The former is instructed to direct Douglas to go to Prince Williams Sound, then to Nootka; the latter is directed to make this voyage. In the former's instructions there is nothing corresponding to the latter's instructions to report to the Portuguese correspondents at Lisbon, and to the ambassador at the court of the aggressor. There are other interesting contrasts. The minute instructions regarding trade are common to the two.

This error of Martinez is brought out in Douglas's account of the investigation. He says:

> [Martinez] told me my papers were bad; that they mentioned I was to take all English, Russian, and Spanish vessels that were of inferior force to the *Iphigenia*, and send or carry their crews to Macao, there to be tried for their lives as pirates. I told him they had not interpreted the papers right; that though I did not understand Portuguese I had seen a copy of them in English at Macao,[a] which mentioned, if I was attacked by any of those three nations, to defend myself, and, if I had the superiority, to send the captain and crews to Macao to answer for the insult they offered. The padries and the clerk read the papers over, and said they had interpreted the papers right.[b]

The American commanders say that the capture was due to a misinterpretation.[c] If Martinez did make this mistake and later was led to restore the vessel by the discovery of it, he remains entirely silent regarding it, giving other reasons for the release, as will be seen.

Between May 13, when the *Iphigenia* was seized, and May 25, when she was released, part of her officers and crew were detained on board Martinez's ship, the *Princesa*, and part on the *San Carlos*, the other Spanish ship, which had reached Nootka a week later than the commander's. Of the conduct of the Spanish during these twelve days while they held the *Iphigenia* prisoner there are the most divergent accounts in the different sources.

According to the account of Douglas, a deaf ear was turned to his plea that he had been forced to enter the port because of the distress of his vessel, which was such that, had he entered a port of the Spanish dominions of South America he would have been allowed to repair his damages and depart in peace, and that consequently to take him prisoner in a port to which the King of Spain had never laid claim was a piece of injustice that no nation had ever attempted before. His offer to leave the port immediately in spite of his distress, if permission should be granted, was refused; he and his crew were most inhumanely treated, and their valuable personal effects and even their very clothes were stolen; Spanish colors were hoisted on their vessel and it was looted of its provisions and articles for trading with the natives and anything else that the Spaniards fancied. When his vessel was restored a very meager supply of provisions was sent on board, and an account presented which listed five times the quantity actually sent and charged five times their cost; he was compelled to sign a paper saying that Martinez had found him in distress and in want of everything, had supplied him with all necessary to take him to the Sandwich Islands, and had not interfered with his navigation; another paper was forced upon him by which he agreed that, if his papers should be found to be bad, the vessel was to be delivered up at Macao, and before he was allowed to sail a letter was demanded from him to Captain Funter, of the *North-West America*, ordering the latter to sell the schooner to Martinez; but, not having authority either to sell or to order another to sell, he said nothing in the letter that he left about selling the vessel, but advised Funter to act to the best of his judgment for the benefit of his employers.[a]

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[a] This is not exactly an untruth, but it is a deception. It would indicate that he had no instructions in English. His instructions are quoted in full a few pages before this extract from the journal of the *Iphigenia* in Appendix II to Meares, Voyages. It is worthy of note that they do not direct him to seize vessels at all, but only to guard against surprise and repel force by force. It should be noted also that the extract quoted by Meares in the appendix to his Memorial, V, purporting to be from this letter to Douglas, does not agree with the full letter as quoted, but that Meares has, in this extract, added two sentences from his own instructions, which relate to his reporting the outrage if captured and to his seizing his opponent should he have the superiority.

[b] Extract of the journal of the *Iphigenia*. (Inclosure XII with Meares, Memorial, appendix to Voyages.)

[c] Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.)

According to the account of the American captains, on the other hand, the officers of the *Iphigenia* "were treated with all imaginable kindness, and every attention paid them."

> The vessel while in the possession of the Spaniards, from being a wreck was put in complete order for the sea, being calked, rigging and sails repaired, anchors and cables sent from the *Princesa*, etc. On the 26th Don Martinez supplied them with every kind of provisions they were in need of, for which Captain Douglas gave him bills on Cravalia, the before-mentioned merchant of Macao. On the 31st the *Iphigenia* sailed and was saluted by the Spanish fort, and the commodore accompanied them out of the harbor, giving every assistance with boats, etc. When Captain Douglas took his leave of the commodore he declared he should ever entertain a sense of Don Martinez's kind-

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[a] Extract of the journal of the *Iphigenia*. (Inclosure XII, with Meares, Memorial, appendix to Voyages.)

ness, deeming his conduct relative to the vessel no more than his duty as a King's officer. Upon the whole, we both believe the *Iphigenia's* being detained was of infinite service to those who were concerned in her.[a]

Vancouver, in giving the substance of a letter written later by Viana to Quadra, represents Viana as saying that he was imprisoned, was well treated, and on being liberated his vessel and cargo were completely restored and he was furnished what he needed.[b]

It is plain that neither the account of Douglas nor that of the American commanders can be accepted for its full value, but that the truth lies between them. The fact that the former on his release turned northward and spent a month trading, and later made a successful trip to the Sandwich Islands and China, shows that his ship was not so destitute of provisions as his journal would make it seem; and the fact that he purchased a cargo of furs from the natives shows that he had not been so nearly robbed of his articles of trade as he declared. Further, knowing that this journal passed through Meares's hands before it was published, and knowing this gentleman's tendency to distort the truth, when there was a possibility of thereby strengthening his case, one can not help suspecting that the journal was tampered with so that it would exhibit Martinez's treatment of the vessel in as unfavorable a light as possible. But the testimony of the American commanders must be discounted also, since their prejudice in favor of the Spaniards is very conspicuous. This would be suspected because of their intimacy with Martinez; but the extravagant statements of the letter itself show a decided prejudice. It was written three years after the events which it discusses, and errors in date indicate that it was produced merely from memory. The statements from Viana's letter are too indirect to be of much value.

In the series of affidavits which Martinez submitted to the Viceroy concerning the arrest and detention of the vessel, there is what appears to be a wholly unimpassioned account. These affidavits seem to have been written and sworn to before the notary, each on the day on which the event that it records occurred. The first one, in which Martinez gives his reasons for calling to account the officers of the *Iphigenia*, is quoted in full above. The second, in which the interpreter says that he delivered Martinez's orders, has been referred to, and the substance has been given of the third which recounts the investigation of Douglas and Viana and their arrest. The fourth tells of the formal act of seizing the vessel, the replacing of the Portugese colors by the Spanish, and the imprisonment of the crew. These four are dated May 13. A letter to Martinez, dated May 15, written by Tovar, who had been placed in command of the captured ship, tells of a bundle of papers which he had found belonging to Douglas. In the fifth affidavit, dated May 16, Martinez says that in view of this letter of Tovar he had ordered the papers of Douglas to be taken in charge, and the sixth affidavit, of the same date, is signed by the English interpreter and says that no suspicion attached to Douglas's papers.[a]

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[a] Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.) The dates in this letter are not accurate. The more important agree with the Spanish dates, but the rest with neither Spanish nor English.

[b] Vancouver, Voyages, II, 343.

On May 17, in the seventh affidavit, Martinez says that on account of the difficulty of sending the captured vessel to San Blas, owing to the scarcity of men to man her, he has concluded to release her, but has ordered an inventory to be made, that he may bind the owner to pay the value of the ship and cargo in case the Viceroy shall declare her to have been good prize. The inventory was completed May 22, and signed on board the *Iphigenia* the same day by Tovar, the temporary commander, and by Viana, the Portuguese captain, in whose presence it had been made. The eighth affidavit, signed on May 25, declares that the inventory should be embodied in the account. An itemized list follows, covering five pages of manuscript and indicating that the *Iphigenia* was by no means destitute of general supplies, though there might have been a lack of those necessary to man the ship. Immediately following the inventory is the bond signed by Viana and Douglas, captain and supercargo of the *Iphigenia*, for Juan Carvalho, the owner, and by Kendrick and Ingraham, of the American ship, as witnesses, and finally by Martinez, all in the presence of Canizares, the notary. This obliges the owner to pay the value of the ship and cargo, as shown by the attached inventory, in case the Viceroy should decide that the vessel was good prize on account of having been found anchored in the port of Nootka without having a passport, permission, or license from His Catholic Majesty for navigating or anchoring in seas or ports belonging to his dominion.[a] The ninth affidavit, signed May 26, formally submits to the Viceroy the preceding account of the measures taken in view of the instructions submitted by the captain of the *Iphigenia*.[b]

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[a] See note *a*, p. 320, where it is pointed out that in the instructions of Douglas nothing is said about carrying vessels to Macao. In the journal of the *Iphigenia* Douglas says that the interpreter told Martinez in his presence that there was nothing objectionable in Douglas's papers.

On May 31, after a dinner on board the Spanish commander's ship, at which the *Iphigenia's* officers and those of the American ship were present, the *Iphigenia* was accompanied out of the harbor by the officers of the other two, and, after a farewell salute from the Spanish guns, sailed away, ostensibly for Macao, by way of the Sandwich Islands. At midnight Douglas gave orders to turn north for a trading cruise, having, as he says, "no idea of running for Macao with only between 60 and 70 sea-otter skins which I had on board."[c]

The next occurrence of interest at Nootka was in connection with the *North-West America*. Mention has been made of Martinez's futile attempt to get a letter from Douglas ordering Captain Funter to sell the schooner to Martinez. It will be recalled that this vessel, on returning from the Sandwich Islands, had reached Nootka four days later than her consort, the *Iphigenia*, had been repaired as soon as possible, and had set out on a trading trip before the arrival of the Spanish commander. Having carried on a profitable trade for six weeks, and being seriously in need of provisions, she returned to Nootka June 8 in hope of meeting there the vessel that was expected from Macao with stores. For some reason not wholly plain Martinez took possession of the schooner as soon as she arrived. Meares says that the

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[a] An English translation of this bond is given by Meares. (Inclosure IV, with Memorial, appendix to Voyages.)

[b] All the papers relating to the *Iphigenia*—her passport, instructions, the inventory, the bond, and the affidavits—are inclosed with Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[c] This is an interesting comment, showing Douglas's inconsistency in saying that the Spaniards had robbed the ship of everything of value.

Spanish commander was angered when he learned that the letter which Douglas had left for Funter was not the desired order for the latter to sell his schooner, and gave vent to his anger by seizing the vessel.[a] The American captains say that when Martinez learned later of the bankruptcy of Carvalho, on whom he had accepted bills in payment for supplies furnished to Douglas, he justified himself as holding the schooner in security for the debt.[b] Martinez gives a partial explanation in an affidavit of June 12. Learning, he said, that the schooner belonged to Carvalho and was connected with the *Iphigenia*, which he had seized on account of her instructions, he therefore took possession of this vessel also, and submitted an inventory to the Viceroy, together with that of the larger ship. He fails to explain why he did not release her; but he doubtless considered explanation unnecessary, since he had given as his only reason for not detaining the larger vessel his inability to man her.[c] He would not have been consistent in not detaining her unless he had released her also on bond; and there was no need for doing that, since she required so few men. Doubtless the other two motives suggested had their influence also.

The English commanders give the same extravagant account of robbery and barbaric treatment at the hands of the Spaniards that were given in the case of the other vessel—the Spanish flag was hoisted; the officers and men were imprisoned; the vessel was repaired, refitted, rechristened the *Gertrudis* and sent on a trading trip for the benefit of the Spaniards, in which they bartered away the articles of trade that they found on board; every possible effort was made by bribery and intimidation to induce Funter and some of his men to man the vessel for the Spaniards and show them where trade was good, but without avail; the men were kept in confinement for a month and then shipped for China on board one of the American vessels, which they were compelled to assist in manning to keep from being wrecked.[a] It must be admitted that at the best the provocation was sufficient to excuse some exaggeration, which is the more to be expected when it is noticed that the account was not written until several months after the occurrence of the events recorded. But that the Spanish commander meant to show a certain amount of justice and even generosity is evident from the fact that he later transferred to another English vessel all of the furs collected by the schooner except twelve, which were either lost or detained by the Spaniard.[b] And still later, when Funter and his men were sent to China on the American vessel, Martinez shipped to their credit 96 skins to pay their wages besides the cost of their passage.[c] He also transferred provisions from an English ship to the American captain for the maintenance of Funter and his men.[d] The purpose seems to have been to punish the owners, but to avoid working immediate hardship to the officers and crew.

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[a] Meares, Memorial, appendix to Voyages.

[b] Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.)

[c] Deposition of Martinez before Canizares, on board the *Princesa*, June 12, 1789. (MSS., Arch. Gen. de Indias, Seville, 90-3-18.) With this is an inventory of the vessel and cargo, and other affidavits telling of the helpless condition of the vessel. An English translation of the inventory is given on the last page of the appendix to Meares, Voyages.

Another event of the Spanish operations is the taking formal possession of the port, which occurred June 24.[e] In the seven weeks that had intervened since the arrival of the Spanish expedition, besides the seizure and disposition of the two vessels just discussed, a fort had been constructed on the top of a high hill which commanded the entrance to the port, and had been occupied by a garrison and a battery of ten cannon. Three houses had also been built—a workshop, a bakery, and a lodging house.[f] The ceremony had not been performed earlier because they were awaiting the arrival of the *Aranzazu*, that it might be given greater solemnity; but that ship not coming, it was decided to delay no longer.[a] The instrument of possession is a long, very formal, and high-sounding document. The right of Spain is based on the discovery of Nootka in 1774 and the bull of Pope Alexander VI of May 4, 1493. The instrument bears the signatures of Martinez and Haro, commanders of the two vessels; of Tovar, the first pilot; of the two chaplains, and of the four missionaries, and is attested by Canizares, the notary.[b] From the fort and the vessels a salute of 21 cannon was fired in honor of the King, and at a splendid banquet on board the commander's ship all of the officers of the Spanish ships, and several foreigners, drank to that sovereign's health.

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[a] Deposition of the officers and men of the schooner *North-West America*, Canton, December 5, 1789, and Information of William Graham, London, May 5, 1790. (Inclosures VII and X, with Meares, Memorial, appendix to Voyages.) The American vessel on which these men were shipped was the *Columbia*.

[b] Hudson's receipt to Funter for 203 sea-otter skins, July 2, 1789. (Inclosure VIII, with Meares, Memorial, appendix to Voyages.)

[c] Martinez's certificate of 96 skins being shipped on board the *Columbia*, Nootka, July 14, 1789. (Appendix to Meares, Voyages.) The English ship to which the furs, taken from the schooner, were at first transferred had been seized in the meantime, so that the furs again fell into Martinez's hand. This was the *Princess Royal*, to be discussed presently.

[d] John Kendrick's receipt for provisions on board the *Columbia*, July 13, 1789. (Inclosure XI, with Meares, Memorial, appendix to Voyages.)

[e] Bancroft, Northwest Coast, I, 216, says, incorrectly, that possession had been taken before the departure of the *Iphigenia*.

[f] Florez to Valdez, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

These foreigners, Martinez says, were of the English nation and the American Congress [Colonies], and the ceremony was performed without any contradiction by them.[c] Through Kendrick and Ingraham, officers of the American ship, he had made the Englishmen understand that the Spaniards had been the first discoverers of the port. He had proved this by having the Americans—since they also understood the Indian dialect—talk with the natives, who had described the clothes of the first comers. And as a further and more conclusive proof he laid before the Indians the flags of various nations, including the old Spanish flag,[d] and the last was recognized by the old chief as the one borne by the first vessel.[e]

One more occurrence should be noted before the arrival of the English expedition under Colnett that gave rise to the most important event of the summer. This occurrence is the coming of the *Princess Royal*, commanded by Hudson, subject to the orders of Colnett. This vessel left China earlier than her consort and reached Nootka on June 15,[a] where she remained a little more than two weeks. A letter written by Hudson, a copy of which is in the Spanish archives, gives a detailed account of his stay at Nootka on this occasion. On his approach in the evening he was met by two launches. Being alarmed, he demanded to know whether they were armed and received answer in English that they were, but only with a bottle of brandy. Martinez, of the Spanish ship, Kendrick, of the American, and Funter, of the captured English schooner, came on board and remained all night. The next morning, the 16th, they were towed into the harbor, and saluted by the guns of the two Spanish ships and the fort. In the afternoon Hudson and Martinez accompanied Kendrick up the sound 6 miles to his vessel, the *Columbia*, where they remained that night. On the 17th Hudson returned to his vessel, where he received a note from the Spanish commander demanding his motive for anchoring in the sound, and informing him that the port belonged to the King of Spain. On the 18th Hudson replied that during his voyage of sixteen weeks and three days from Macao in continual storms his ship had been badly damaged; this, with the failure of wood and water, had caused him to anchor where he was, and he hoped that Martinez would permit him to supply his losses, upon which, with permission, he would depart. In a note of the same day Martinez replied that Hudson's explanation was perfectly satisfactory and that he might supply his needs and depart when he wished.

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[a] Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[b] Instrument of possession, San Lorenzo de Nootka, June 24, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[c] Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[d] The Spanish flag had been changed by a royal decree of May 28, 1785. The purpose was to remove the confusion due to the similarity between it and those of the other Bourbon dynasties—France, Naples, Tuscany, and Parma. Red and yellow were the colors adopted. (Fernandez Duro La Armada Española, Madrid, 1901, VIII, 349.)

[e] Martinez to [Florez], San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

This shows that the utmost harmony and good will prevailed. Hudson's vessel was present when the Spaniards took formal possession of the port, and he was doubtless one of the Englishmen who were at Martinez's sumptuous banquet and are mentioned as not disputing the act of possession. This is the English vessel, also, to which Martinez transferred the furs taken from the *North-West America*, as mentioned above.

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[a] June 14 is sometimes given as the date. This probably arises from the indefinite statement in the Information of William Graham that she arrived on or about June 14. (See Inclosure VII, with Meares, Memorial, appendix to Voyages.)

On July 1, his ship being ready to leave, Hudson notified Martinez that he intended to sail the next morning. The latter, after a little hesitation, gave his consent, and also furnished Hudson with a circular letter to all commanders of Spanish ships which he might encounter ordering them to let him pass. The next morning, July 2, the launches from the American ships towed the *Princess Royal* out of the harbor; and having had to wait all day for a breeze she sailed away at 10 o'clock in the evening, returning eleven days later, at the close of the important events to be discussed in the next chapter.[a]

Comparing the actions of Martinez, which have been discussed in this chapter, with his instructions given in the foregoing chapter, it is seen that it would not be difficult for him to justify his seizure of the *Iphigenia* and the *North-West America.* The last clause of the eleventh article orders him to endeavor, as far as possible, to prevent intercourse and commerce with the natives. It is difficult to see how he could have carried this out in any other way. Knowing the general policy of Spain, which was to prevent all foreigners from trading with the Spanish dominions, and feeling himself responsible for maintaining that policy along this whole coast, he might easily have felt it his duty to employ harsh means, being satisfied that nothing less would be effectual. Having in mind the recent treatment accorded to the governor of the islands of Juan Fernandez because he allowed a vessel that had been in his power to continue its voyage to these very coasts, it is not strange that he should be unwilling to incur similar disgrace because of too great leniency.[b] It would seem, however, that he was inconsistent in not seizing also the *Princess Royal*, unless, indeed, he believed what he embodied in the circular letter which he gave to Hudson for other Spanish commanders. In this he declared that the purpose of the voyage was discovery; that he had seen Hudson's commission to that effect. Martinez may have known nothing to the contrary at the time, and what he said was doubtless true; but it was not the whole truth. But if he was too lenient this time, he did not err in that direction on Hudson's return, as will appear.

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[a] Hudson to Florez, San Blas, September 18, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.) With this letter are copies of the letters of June 18 [17] and 19 [18] from Martinez to Hudson, and Hudson to Martinez of the latter date, referred to above

[b] See latter part of foregoing chapter.

If Martinez felt it necessary to treat the English ships with such harshness, can his mild treatment of the American ships be justified? These are the very ships that are referred to in articles 14 and 15 of the above-mentioned instructions. It will be recalled that he was there given authority, in case of his meeting with them, to deal with them as appeared proper. The suspicion was mentioned in another place that the purpose of these ships was to find a port in which to establish a colony. On encountering them at Nootka, Martinez inspected their papers and found that this was not their purpose. He says that his interpreter found nothing in their papers derogatory to the rights of Spain; that their purpose was to circumnavigate the globe; that there seemed no reason for interfering with their course nor placing them under bond, as he had done the packet boat from Macao; but that, nevertheless, he had required them, in the name of his Sovereign, not to return to these seas or coasts without bringing a passport and special permit, since that Monarch had prohibited every foreign nation from navigating the coasts of America.[a] His allowing the American ships to trade unmolested for the two months hardly seems consistent, unless his reason was what might be implied from the latter part of the letter just referred to. He tells of the assistance afforded him by the American commanders in his dealings with the English and the Indians, since they conversed in both of those languages. He might have considered it better to allow them for a time to violate the letter of the strict Spanish regulations than to lose their services in establishing himself in a position to prevent all such violations in the future. His intimacy with the Americans was so noticeable that the Englishmen frequently accused the latter of collusion with the schemes of the Spaniard.[b]

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[a] Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) With this letter explaining his dealings with the American ships, Martinez inclosed a copy of the passport given to Kendrick by Blas Gonzales, governor of the islands of Juan Fernandez.

[b] Muriel, Historia de Carlos IV, I, 106, touches upon the subject-matter of this chapter.

Chapter V.

THE QUARREL AND SEIZURE.

The English ship from China, the *Argonaut*, Captain Colnett, whose equipment and instructions have already been discussed, arrived at Nootka late in the evening of July 2, 1789. She had neared the coast some distance north the previous evening. Sailing southward, she was visited in the morning by some Indians, who told of five vessels in Friendly Cove, but could not identify them. The officers conjectured that the ships belonged to Mr. Etches, one of the merchants interested in their proposed colony. They hastened to join them. As their vessel approached the entrance they saw the sloop *Princess Royal* pass out and sail away. This increased their confidence, since she was their consort. Shortly after they passed the sloop they saw two launches approach in the growing darkness. A voice in Spanish asked permission to come on board and was answered in the affirmative. The leader of the party was the Spanish commander, Martinez. Two hours earlier he had been notified from the port of the approach of a ship. Thinking it to be the *Aranzazu*, which he had been anxiously expecting for some weeks from San Blas with provisions, he had hastened to welcome her in.

The events that follow this meeting of Martinez with Colnett, the commander of the English expedition, are the real genesis of the Nootka controversy. Had the vigorous measures of the Spanish commander stopped with the seizure of the two vessels already discussed, the matter would probably never have reached the cabinets of London and Madrid. Since these events are so important, a detailed account is given. This is drawn from five separate narratives, all written by men who were present and took part in them. One is the letter of Martinez, written at the close of the events, giving his official account to the Viceroy. Another is a letter from Colnett to the same official, written some three months later. These two are unpublished. The third is a second account by Colnett, written nine years later, appearing as a footnote to his published narrative of a subsequent voyage. The fourth is a series of letters, written while the events were in progress, by Duffin, second in command to Colnett, but really in control during most of the time. The fifth is the letter, written three years later, by the American captains, who were eyewitnesses of most of the events.[a]

At the first meeting each commander was disappointed at finding the other very different from the person whom he expected. Martinez at once presented to Colnett a letter from Captain Hudson, of the *Princess Royal*, saying that the bearer was commander of two ships of His Catholic Majesty anchored in Friendly Cove; that the writer had received all possible aid from him and had departed. The letter had been written that very morning, and put Colnett somewhat at his ease. He invited Martinez and his party, among whom were the officers of the American ships, down into the cabin, where they drank freely together. The Spaniard was very courteous, declared that the vessels under his command were in great distress from the want of provisions and other necessaries, and urged the English commander to go into port in order to supply their needs, inviting him to stay for some time. Colnett, in his letter to the Viceroy, says that he consented to stay, provided he should be permitted to build a sloop, for which he had the materials on board; but this being refused, he said that he could not stay longer than the next day.

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[a] To save frequent repetition, one reference is given to all five of these accounts. The particular source of the more important statements is sufficiently clear from the text:

First. Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

Second. Colnett to Florez [written at San Blas in September, 1789]. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

Third. Colnett, Voyages, 96-102, note.

Fourth. Duffin to Meares, Nootka Sound, July 12 [11], 1789; same to same, July 13 [12], 1789; same to same, July 14 [13], 1789. (Inclosure XIII, with Meares, Memorial, appendix to Voyages.)

Fifth. Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.)

The information of William Graham, London, May 5, 1790, and the deposition of the officers and men of the *North-West America*, Canton, China, December 5, 1789 (Inclosures VII and XI, with Meares, Memorial, appendix to Voyages), give accounts, but add little of value to the others.

On the other hand, Martinez says that Colnett claimed to have come under authority from the King of England, with orders to take possession of Nootka, construct a fort, establish a factory, and plant a colony, for which he had brought 29 Chinese laborers; that having learned this his interpreter made the Englishman understand that Martinez had already taken possession of the port in the name and under an order of the King of Spain; that thereupon the English captain claimed the land for His Britannic Majesty on the ground of Cook's discovery, adding that his company had purchased the rights to the place which were acquired the previous year by the Portuguese company, their vessels, the *Iphigenia* and the *North-West America*, being also included in the purchase. To refute the Englishman's arguments, the Spaniard declared that a Spanish expedition had discovered the port four years earlier than Cook;[a] that he himself had accompanied the expedition, and from him the spoons had been stolen which Cook tells of purchasing; that the Portuguese company had done wrong in selling land which was not theirs but belonged to the King of Spain, not only this port being the property of that Crown, but all the coast as far as Prince Williams Sound. Colnett, the Spaniard continues, was unable to reply to these well-founded arguments. The American captains say:

> Colnett asked if he would be prevented from building a house in the port. The commodore, mistaking his meaning, answered him he was at liberty to erect a tent, get wood and water, etc., after which he was at liberty to depart when he pleased; but Captain Colnett said that was not what he wanted, but to build a blockhouse, erect a fort, and settle a colony for the Crown of Great Britain. This was refused.

Colnett, in his published account, says that he hesitated, being uncertain whether to enter the port, but—

> The Spaniard, observing my unwillingness to comply with his request, assured me on his word and honor, in the name of the King of Spain, whose servant he was, and of the Viceroy of Mexico, whose nephew he declared himself to be, that if I would go into port and relieve his wants I should be at liberty to sail whenever I pleased.

Martinez's plea of distress and his solemn promise, with Hudson's letter, the Englishman says, influenced him to enter the harbor, and, as there was a calm, he allowed the Spanish boats to assist in towing his vessel into the cove. Among the party that had come out in the launches was the pilot of the captured English schooner. He told Colnett of the situation in the cove—the Spanish war ships, the fort, the formal possession, the seizure of the *Iphigenia* and *North-West America*, and the arrival and departure of Captain Hudson. He advised Colnett to anchor outside the cove until morning, but the latter, depending on the Spaniard's honor, entered and brought up between the Spanish ships at about midnight.

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[a] See previous discussion of the voyage of Perez, 1774, in Chapter III, ante.

The next morning, July 3, everything seems to have been harmonious. Colnett visited the fort and other Spanish establishments, and on invitation of Martinez took breakfast on board the Spanish vessel, the Spanish commander returning the compliment by dining on board the Englishman's ship. The latter was urged to delay his departure for a day, but being unwilling to do so it was arranged that the Spaniard should send a launch in the afternoon to tow the English vessel out, and on the return of the boat Colnett should send the supplies, a list of which had already been agreed upon. The launch not coming as soon as expected, a request was made that it be sent at once. Martinez asked to see Colnett's papers before the latter should depart. After some hesitation the Englishman took them on board the Spanish ship. The Spaniard was still in doubt whether he should allow the *Argonaut* to depart, sometimes saying that she could, at other times that she could not. Finally he declared that she could not go that day. He produced a book in which he showed what he said was an order from the King of Spain to seize all English vessels found on the coast. Colnett declared that he would sail at once, with or without permission, unless the Spaniard fired on him, in which case he would haul down his colors and surrender.[1] Thinking it presumption for Colnett to talk as if he were an agent of the English King, though he was really sent only by a commercial company, Martinez declared himself the personal representative of the King of Spain and commander in chief of the port. Colnett replied that he had been in His Brittannic Majesty's service for twenty years, and that he then carried a governmental license, which he produced. He endeavored to show the injustice of the Spaniard's conduct, reminding him of his promise on his word and honor, made the evening before. Warm words followed, and each commander seems completely to have lost his temper. Each tells of violence, either threatened or inflicted, by the other. At Martinez's order Colnett was seized and made a prisoner.

From the accounts it is impossible to decide which officer was the more at fault in the quarrel. It was the unfortunate outcome of anger on both sides, and doubtless was not premeditated by either. The real explanation appears to be that given in the letter of Duffin. Eight days after the quarrel he wrote: "I have every reason to suspect there was a misunderstanding between the two parties, for the linguist spoke English very imperfectly, and in all likelihood interpreted as many words wrong as right." It seems, then, to have been a faulty translation that caused the quarrel which later threw two continents into a feverish excitement in anticipation of war.

After the seizure had been made, however, a plausible excuse was not wanting to the Spaniard. He says that he imprisoned Colnett because the latter would likely have gone elsewhere on the coast and established a post from which it would have been impossible to dislodge the English without the force of arms. This is doubtless exactly what would have happened, and in view of Martinez's instructions and of what he knew to be the policy of his country with regard to the coast, he was entirely justified, from the Spanish standpoint, in preventing by force what he could not have prevented otherwise. Indeed, had he allowed the English expedition to depart unmolested, and had the English colony been established elsewhere, he probably would have been seriously taken to task for not attempting to prevent it. Martinez's account to the Viceroy was such as to make it seem that he at no time had any intention whatever of allowing Colnett to leave. He says nothing of his promise and pledge to that effect which the English commander says that he made. But though the Spaniard concealed the fact from his superiors, the other accounts indicate unmistakably that he really intended, at first, to allow the *Argonaut* to depart, and that his promise to her commander was made in good faith. Possibly he had begun to doubt whether the Viceroy would approve his proceedings respecting the two vessels already seized, and did not wish to involve himself further until he had that official's decision. In view of this he may have concluded to let all other vessels pass without scrutinizing them too closely. His treatment of the *Princess Royal* indicates such intent, and his promise to Colnett was consistent with it. After a day's consideration, he may have concluded to go through the form of an investigation, at least, that he might make a plausible report of it, but with the deliberate intention of closing his eyes to anything that might prove derogatory to Spain. However the fact may be accounted for, it is clear that Martinez was wavering between two opinions and that the quarrel forced his decision. Duffin, in his letter of July 12 [11], which seems to be the fairest of all the accounts, speaking of events after the seizure, says:

> The commodore's passion now began to abate a little, and he sent for me from the *San Carlos*, where I was imprisoned. When I came to him, he seemed to profess a very great friendship for me, and appeared to be exceedingly sorry for what, he said, his officers compelled him to do. He declared to me that he had given Colnett permission to depart, and would have assisted him all in his power but that Captain Colnett insisted on erecting a fort opposite his.

A little further on, after telling of Colnett's turning over to him all control of affairs, the same writer continues:

> I have endeavored to convince the Spaniards, had we known this place had been taken possession by the King of Spain, we would not, on any consideration, have come near it; I have likewise wished to persuade him to peruse the South Sea Company's grant and our instructions, which he refuses, and tells me it would avail nothing now to do it, as his officers insist on his going on with what he acknowledges he too rashly and hastily began, and without deliberating what might hereafter be the consequence.

That the English captain was somewhat to blame for what had occurred is clear from his own behavior, as related in Duffin's letter of July 14 [13]. The writer, speaking of Colnett, says:

> I have endeavored to persuade him to draw out every particular concerning ~~our being~~ captured, to send to his employers, which he refuses. His objection is that he has involved himself and everyone else in difficulties that he is not able to extricate himself from, and therefore declares to me that he will have no more concern with the charge of the vessel.

This refusal to give the particulars of his arrest occurred after his recovery from what Duffin spoke of at the time as insanity, but what Colnett himself refers to as delirium. Meares's publication of Duffin's statement concerning the commander's insanity caused some hard feeling when Colnett learned of it; and the statement was publicly denied later by Meares.[a] Whatever it may be called, the immediate cause was his capture. The malady lasted for ten days. As a result of it, the whole control was left in the hands of Duffin, the second in command. The latter's statement concerning the captain is as follows:

> Captain Colnett has been in such a state of insanity ever since the vessel has been captured by the Spaniards that we are obliged to confine him to his cabin. Yesterday morning he jumped out of the cabin window, and it was with great difficulty his life was saved. His constant cry is that he is condemned to be hanged. I sincerely hope for his speedy recovery, but am aprehensive he never will recover his former senses again. I understand from the boy, Russell, that it is a family disorder and that they all have symptoms of madness more or less.

The next day he wrote: "Captain Colnett is much better to-day, and, in general, discourses very rationally." It was at this time that Duffin made his vain attempt to draw out the particulars of the capture. Duffin seems to blame Colnett.

On the afternoon of July 3, immediately after seizing Colnett, Martinez had taken possession of the *Argonaut*, had run up the Spanish flag, and had imprisoned all of the officers and crew, removed them from their own ship, and confined them on board the two Spanish vessels. Of the events that followed during the next ten days, while preparations were being made to send the vessel to San Blas for the Viceroy to decide whether she was good prize, there are greatly divergent accounts, as in the case of the other captured ships. It is significant that the further the writing was removed from the event the blacker is the picture drawn in the English accounts of the Spaniard's cruelty. Doubtless the most authentic is the one first written—the letters of Duffin, already referred to.

After a little time Colnett and Duffin, with two other officers, were allowed to return to their own ship. On the 11th

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[a] Meares, An Answer to Mr. George Dixon.

Duffin wrote: "I am at present in possession of my cabin, as are also the rest of us, and the commodore behaves with great civility, by obliging us in every liberty that can be expected as prisoners." This is pretty strong evidence that there was nothing very barbaric about Martinez's treatment, since Duffin had no motive for concealing the truth. What he wrote had to be by stealth, he says, and was taken by Mr. Barnett, an Englishman of the crew of the *North-West America*, who was going to China on board the American ship. Under these circumstances he would probably not have represented the Spaniard's conduct more favorably than it deserved. Many of the supplies and stores on board the English ship were appropriated by the Spaniards; but not without arrangement for compensation, as would be inferred from later English accounts. Speaking of their appropriation, Duffin says:

> They have taken of our stores to themselves all our pitch, tar, canvas, twine, some provisions of all kinds, guns, ammunition, the chief of our copper, and many other articles that we were not acquainted with, all the officers being prisoners, some on board one vessel and some on board the other. We have great expectations that the vessel will be delivered up at San Blas. The commodore promises me, if she is, everything that he has taken to himself shall be replaced at that port; but there has been a number of things taken out of the vessel by theft that he knows nothing of. Nevertheless, if any, and the vessel is returned, they must undoubtedly make it good.

According to the same writer, Martinez tried to buy all of the copper on board, offering to give bills for the same, but it was refused on the ground that if his orders allowed him to capture the vessel they would undoubtedly allow him to capture the cargo also. The Spaniard, he says, wanted the copper to trade for furs, which he shipped to Macao by Captain Kendrick [of the American ship *Columbia*], who traded for him on shares. This is the way in which the man in command at the time spoke of what later accounts designate as plundering by the Spaniards.

That the promise of compensation was made in good faith is proved by the documents which Martinez submitted to the Viceroy. One is dated at San Lorenzo de Nootka, July 5, 1789, and is a "List of the provisions and other stores which have been taken at the expense of the royal treasury from the captured English packet boat *Argonaut*, for my subsistence in this port; all of which are to be restored to Capt. James Colnett from the royal treasure of the department of San Blas, in case the Most Excellent Señor Viceroy of New Spain releases the vessel." An itemized statement carefully describing each article is given. Another document dated July 13 is a "List of the artillery, balls, and other armament found on board the captured English ship *Argonaut*, belonging to the free commercial company of London, which remain in my possession at the disposal of his excellency, awaiting his superior determination." Inclosed with these is a "List of the names of the captain, officers, crew, and passengers which the *Argonaut* carried." Among the officers there were 12 Englishmen and 1 Spaniard; of the sailors, 4 were English, 7 Portuguese, and 3 Filipinos; the passengers were 29 Chinese; to these were added Colnett's servant, who was a Sandwich Islander, and Duffin's, who was a Bengalese. In all, there were 58 persons. Another list includes only the 16 Englishmen, and states that they are to be sent to San Blas on board the captured ship *Argonaut*. Still another list includes the Portuguese, the Filipinos, the Chinese, and the two servants, who were to be sent on the *Aranzazu* and the other vessels that might come from San Blas. The one Spaniard had entered the service of Martinez.[a]

On July 13, after the above documents relating to the capture of the *Argonaut* were sealed up and the vessel was ready to be sent as a prize to San Blas, the *Princess Royal*, which had left ten days before, returned and was seized by Martinez. He says that his motive for the seizure was his wish to prevent her from carrying news of the capture of the other vessel to the company, and thus to forestall their taking measures against him before he could be reënforced.[b] This seems a poor excuse since the Englishmen shipped on board the American vessel could carry the news just as well.

Hudson's letter to the Viceroy gives his account of the seizure. On leaving Nootka on July 2 he had intended to sail northward, but a storm had driven him southward and he had been unable to return for several days. On July 13 he had succeeded in getting back opposite the entrance to Nootka Sound, and being anxious to know whether Colnett had arrived, and, if he had, wishing to get from him some needed supplies and instructions for his future conduct, he determined to enter in his launch, leaving his vessel in the open. He had no fears of maltreatment since Martinez had dealt so liberally with him before. He was met by a Spanish launch, was told that Colnett was there and was sick and in trouble, was requested by Martinez to enter the port, and was invited on board the Spanish launch. He found it completely armed. His own pistol was taken from him and his launch was taken into possession. When he reached the *Princesa* Martinez informed him that he was a prisoner, as was also Colnett, and that the fault was all the latter's. Hudson was urged to give orders for his ship to come in, but refused, and the Spaniards prepared to take her by force. Seeing the futility of resisting, he advised his lieutenant to surrender. The vessel was taken at midnight and brought in the next morning. Captain Hudson does not mention here his brutal treatment at the hands of the Spaniards, which is related in other English accounts.[a] He says that he was allowed to go on board his own ship or anywhere else in the port that he chose.

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[a] All of these are inclosed with Martinez's account to the Viceroy, referred to above. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

[b] Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (Id.) This letter is of the same date and appears in the same bundle as that referred to above giving account of the *Argonaut*.

The two English vessels left Nootka for San Blas, where they were to await the disposition of the Viceroy. The *Argonaut* sailed July 13, in charge of Tovar as prize captain. In Colnett's letter to the Viceroy he tells of the hardships that he suffered on the voyage. His belongings had been transferred to the mate's cabin, a very small room. Each night at 8 o'clock he was locked in this, and the door was not opened until morning. He was not allowed to have any intercourse with his officers except in the daytime. The commandant at Nootka had either asked or taken all of his chickens and other fresh provisions, so that he had a slight attack of scurvy. His mouth, he said, ulcerated, and the captain of the prize refused to allow him to have his bread toasted for fear of destroying his teeth! Whenever there was a storm the hatchways were closed, and he almost smothered. The heat increased each day. One night he asked repeatedly for a glass of water, but it was too great a favor, and he had to wait until morning. His own condition was bad enough, but when he got to San Blas he learned that the men of his crew had suffered much more than he. They had been closely confined in irons for many days, though there were only 8 of them and four times as many to guard them.[a] Their chests had been broken into, and most of their clothes and personal belongings had been taken. Colnett had lost many articles that he valued very highly. After their arrival at San Blas, August 15, they received better treatment.[b] The *Princess Royal* arrived at San Blas on August 27, just a month after she had left Nootka. She carried 12 English and 2 Portuguese prisoners.[c]

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[a] See information of William Graham. (Inclosure VII, with Meares, Memorial, appendix to Voyages.) He says that Hudson was beaten and thrown down the hatchway by the Spanish crew, who said: "Get down, you English dog." This and other such extravagant statements were probably invented to produce the desired effect on the English mind. This document is dated London, May 5, 1790, which was only a week before the Memorial was presented, and was the time when the excitement was at its height.

On August 29, Hanson, second pilot of the *Argonaut*, committed suicide. The only known cause was melancholy, according to the statement of the Viceroy drawn from a detailed account sent to him by the commandant of San Blas.[d] In Colnett's published account he says that it was because of Hanson's despair at the treatment which he had received. The same writer states that several others became sick and died.[e] Colnett may have exaggerated somewhat the hardships of the voyage, but the letter seems to be a truthful account. Their condition, at the best, was a bad one, and they were probably confined more closely than was necessary and their wants not attended to as they might have been. It is likely, however, that most of the harsh measures taken by the prize crew were the result of excessive caution rather than wanton cruelty.

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[a] There were also 8 officers on board. These with the 8 sailors were all of the Englishmen that had come to Nootka on the *Argonaut*. The Portuguese, Filipinos, Chinese, etc., were to be brought to San Blas later on another vessel.

[b] Colnett to the Viceroy, San Blas [September], 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[c] Florez to Valdez, Mexico, September 26, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

[d] Id., inclosing Comancho to Florez, San Blas, September 3, 1789. Comancho was commandant of the port.

[e] Colnett, Voyage, 96-102, note.

Martinez's operations at Nootka after sending his prizes to San Blas are of minor interest. He carried on some explorations in the neighborhood, studied the customs of the natives, and made, in his diary, a full report of the country and its inhabitants. On December 6 he reached San Blas, having returned in consequence of an order from Florez dated February 25, 1789.[a] This date shows that the events at Nootka during the summer had nothing to do with his recall, since the order was given shortly after the expedition had sailed.

When Martinez reached San Blas he had with him an American ship and schooner which he had captured just as he was leaving Nootka. He had hesitated for some time, uncertain whether he should set them free, but had finally decided to take them to San Blas to be acted on by the Viceroy. Revilla-Gigedo, who had succeeded Florez in the viceroyalty, set them free, on the ground that the Americans had not molested the Spanish settlements.[b] The names of the vessels do not appear in this letter. They were doubtless the *Eleanora* and the *Fair America*, under Captain Metcalf.[c]

Martinez also brought with him the 29 Chinese that he had taken from the *Argonaut*. To save the expense of keeping them the Viceroy said that he had decided to have them brought to Mexico, liberated, and given employment; or, if they preferred, they would be sent to the colonies and mission settlements of California.[d] Meares, in his memorial, declared that these Chinese laborers were detained at Nootka by Martinez and put to work in the mines that had been opened on the land belonging to Meares. Nothing appears in the Spanish documents concerning any such mines. It has been stated elsewhere that Meares gave 70 as the number of Chinese taken to Nootka by Colnett. This is probably an exaggeration, since the number 29 is repeated several times in the Spanish documents, and in two places a complete list of their names is given.[a] From what will be stated later, it seems that the Viceroy's scheme for liberating them in Mexico was not carried out.[b]

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[a] Revilla-Gigedo to Valdez, Mexico, December 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-19.) There are several letters together of the same date. This is No. 195. No. 194 states that a copy of Martinez's diary is inclosed, but a note on a small slip of paper inserted says that the diary is not being sent on account of Martinez's not having sent a duplicate of it. The diary does not appear in the bundle and probably was never sent. Bancroft, Northwest Coast, I, 212, says: "I have not been able to obtain the original diaries of the Spanish expedition of 1789, nor has any preceding writer in English seen them."

[b] Revilla-Gigedo to Valdez, Mexico, December 27, 1789. (No. 198, MS. Arch. Gen. de Indias, Seville, 90-3-19.)

[c] Bancroft, Northwest Coast, I, 212.

[d] Reference cited, note *b* above, No. 195.

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[a] Bancroft, Northwest Coast, I, 211, repeats Meares's statement that there were 70 Chinese.

[b] Muriel, Historia de Carlos IV, I, 107, treats briefly the seizure of the *Argonaut* and *Princess Royal*.

CHAPTER VI.

THE ENGLISH PRISONERS IN MEXICO.[a]

Florez, the Viceroy, who had sent the Nootka expedition, had no news from Martinez until late in the summer. Shortly after the arrival at San Blas of the first prize, the *Argonaut*, the commandant of that port dispatched a special messenger to Mexico. This messenger arrived August 26, bearing Martinez's letters and the papers from the captured ships. The Viceroy's anxiety was far from being relieved when he found himself involved, not with the Russians, but with the English. The question now was what should be done with the prizes sent for his adjudication. He was embarrassed by the fact that he was to retire from the viceroyalty within a few weeks, and whatever measures he might determine upon would have to be carried out by his successor. He decided to take no decisive step without the new Viceroy's concurrence. Within a day after the messenger's arrival the more important documents had been copied and Florez had written his report. They were hurried off to the Government at Madrid. In this report he told briefly of Martinez's voyage to Nootka, of his taking formal possession of the port and fortifying it, of his finding the American vessels and allowing them to continue their voyage, and of his seizing the *Iphigenia* and the *Argonaut*, releasing the former on bond and sending the latter as a prize. To this account he added some reflections concerning the importance of retaining the port of Nootka. He would send reënforcements and supplies to Martinez at once. The question as to whether the vessels were good prize he would leave to his successor.[b]

Two days after sending this account to the home Government, Florez sent orders to the commandant and commissary at San Blas for the temporary disposition of the prize. The officers and men were to be kindly treated and supplied with lodgings and other accommodations according to their rank. Fresh food was to be furnished at public expense, an account being kept of the cost. All of their clothing was to be turned over to them, but no arms. They were to be given complete liberty within the port, but were to be closely watched to see that no one abused his privileges. A complete inventory should be made in the presence and with the help of the English captain. The latter should sign it and receive a copy for his security and protection, whatever the fate of his vessel. The perishable part of the cargo was to be sold and the rest deposited separately in the royal storehouses. The ship, after being unloaded, was to be examined, cleaned, and repaired at governmental expense, with the approval of the English commander, who should have a copy of the account.[a] The fact is not stated in this order, but in a letter to Madrid it appears that the ship, when repaired, was to be used in collecting supplies and reënforcements for Martinez at Nootka.[b] From Colnett's publised account, it seems that the Englishmen were induced to do the work on the ship in the false hope of an early release. He says:

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[a] Previous accounts give scarcely anything on this subject. This account is drawn almost wholly from manuscripts in the Spanish archives.

[b] Florez to Valdez, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

> Under a promise that our detention could not be long, they persuaded us to heave down and repair the *Argonaut*, new copper her bottom, and fit new rigging. The idea of release stimulated us to work on the ship with great alacrity. So much so that our exertions threw several into fevers; and on the vessel being nearly ready, the Government threw off the mask, informing us she was to be employed for their use, and laughed again at our credulity.[c]

After receiving news of the arrival at San Blas of the second English prize, the *Princess Royal*, Viceroy Florez wrote again to the Madrid Government. This letter was dated September 26, and told of the steps taken with regard to the captured ships since his account written a month before. He had considered the matter carefully, and, although he had decided to leave the disposition of the prizes to his successor, yet he gave his own conclusions. He knew of no precedent for the capture except the conduct of the Viceroy of Peru toward the governor of Juan Fernandez, on account of the latter's not having detained the American ship *Columbia* when he found she was bound for California.[a] This, he said, was based on the royal order of 1692, a copy of which he inclosed.[b] He added that conditions had changed in a century. However, he would not disapprove the conduct of Martinez, since, he said: "Article 11 of my instructions, 'to repel force by force and to prevent hostile ships from making establishments and trading with the Indians of our coasts,'[c] could not have been enforced without detaining the vessels." He concluded: "For the sake of economizing expenses and avoiding hard feelings between our court and that of London, it seems to me best to allow both vessels to return to Macao, placing their commanders under bond, as Martinez did the captain of the *Iphigenia.*" Everything taken from the vessels he would restore or pay for, deducting the cost of keeping the men and the expense for repairing the ship. He had not time to attend to this, but would leave it to his successor, if that official approved.[d]

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[a] [Florez] to the commandant and commissary at San Blas, Mexico, August 29, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

[b] Florez to Valdez, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) This is another letter of the same date and found in the same bundle as the one referred to in note *b* on the preceding page.

[c] Colnett, Voyage, 96-102, note.

On August 27, the day that Florez had written his first hurried account to the home Government, he had also written an account to Revilla-Gigedo, who was soon to succeed him in the viceroyalty. The correspondence that followed is valuable as showing the divided opinion in official circles regarding the justice of the seizures, and as illustrating the evolution of the new Viceroy's final decision regarding the prizes. In the first letter Florez explained briefly that, as a result of the last expedition ordered by the King, he had, without loss of time, sent Martinez to take possession of Nootka. He then recounted the grave consequences, which made it necessary to take most prudent measures, and added:

> For my part I have not ventured to enter upon them, in view of the fact that I am so soon to surrender the government to your excellency.

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[a] See Chapter III, ante.

[b] The King to the officials of New Spain, Madrid, November 25, 1692. (MS. Arch. Gen. de Indias, Seville, 90-3-14.) The Viceroy of Peru had reported that an English vessel had been encountered in the Straits of Magellan. This order directs officials to exclude all foreign vessels from the South Sea unless they carry a special license from the King of Spain.

[c] See his instructions in Chapter III, ante.

[d] Florez to Valdez, Mexico, September 26, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

I look upon this business as more important than any other, and if you rank it the same I hope you will hasten your coming.[a]

Three days later the new Viceroy, who was attending to some public business at Veracruz, replied that he came fully instructed from the higher authorities of all the steps taken by Florez in the Nootka matter, of their approval by the junta of state, and the consequent royal order. In view of the attempt to represent the English expedition as a governmental enterprise, he especially commended Florez for having inserted in Martinez's instructions the order of the English Admiralty office to Cook telling the latter not to touch at Spanish ports except in case of necessity and then to leave as soon as possible. He thought that that wise council would not now have sent an expedition with such contrary instructions. He believed it had come simply from Botany Bay or some establishment in India. He said that it did not appear necessary for Florez to await his coming to take steps regarding the captured ships, since Florez was so well informed. As to the possibility of another English expedition being sent to dislodge Martinez, he thought there was no danger. England was too remote, and the Spanish could supply reënforcements when necessary. The English Cabinet would not undertake anything so likely to fail. In the end the unhappy affair would be settled between the Spanish and English Courts. However, he would not delay his coming to Mexico a moment longer than necessary.[b]

On September 2, the same day that Florez received the letter just reviewed, he answered it. In his answer there is a tone of impatience which seems to be partly because Revilla-Gigedo had not dropped everything else to attend to the prizes, and partly because the latter's approval was not enthusiastic. The new Viceroy had suggested that since the English expedition did not appear to have been sent by the Government it would have been better if Martinez had told the captains to return when they chose to the parts from whence they had come. Florez retorted: "I explained to your excellency that, according to the documents which Martinez sent to me, these prizes have been made with good cause, and I think your excellency will indorse my opinion when you have given careful attention to their contents." He inclosed copies of them and called attention to the positive representations of the English captain. He continued: "Whether the English Court had any part in the plan for occupying Nootka, or whether it did not, we have often seen them lay claim to ports and territories occupied by the merchants or subjects of their nation; and there is no doubt but that they have ready naval forces incomparably greater than those which we can send from San Blas." He enlarged on the insufficiency of vessels in that port for present needs, and told of the preparations that he was making to use the captured ships to convey reënforcements and supplies to Martinez. In closing he said: "But since your excellency can not give it the preferential attention asked I have suspended my orders relative to Nootka affairs until your excellency gives me your final decision concerning the liberating or retention of the English ships."[a]

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[a] Florez to Revilla-Gigedo, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

[b] Revilla-Gigedo to Florez, Veracruz, August 30, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

The loyalty with which Florez supported Martinez, and his resentment when he found Revilla-Gigedo inclined to disavow the seizures, may have arisen from a personal relation, since, as stated above, Colnett says that Martinez represented himself as the nephew of Florez.[b]

After having read the copies of Martinez's letters and documents, which Florez had sent, Revilla-Gigedo replied, September 9, that he was pleased to find that his opinion of the unofficial character of the English expedition was confirmed; that Colnett had been sent, not as a governor, but as a merchant; that he was not to establish a fortification but a factory, which was to be located not necessarily at Nootka, but wherever it might be with convenience, and that Fort Pitt was simply the name to be given to the factory. Had the English expedition taken any sort of possession of Nootka, he said that it would doubtless have afforded some subsequent claim. But since it had not succeeded, and since the English captain had asked permission to sail, all such fears ought to have vanished. There was the more reason for this, since not only had England been prevented from taking possession, but Spain actually possessed it. Since Florez had already referred the matter to the Spanish Court, it seemed to him that they could take no further step until the decision of His Majesty should arrive. He agreed that in the meantime the captured ships should be used to convey supplies to Martinez if no others were available. He had read with pleasure the timely and prudent orders of Florez for caring for the captured ships and prisoners. The weakened forces at San Blas were being strengthened and the necessary ships could be constructed. A new commandant of that port with reënforcements had set out from Veracruz the preceding day.[a]

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[a] [Florez] to Revilla-Gigedo, Mexico, September 2, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

[b] See preceding chapter, p. 333.

In this Revilla-Gigedo maintained his former position that Martinez had insufficient ground for making the captures. He seems not to have considered what would have been the consequences if the English ships had not been seized and had established a colony elsewhere on the coast. He gave a qualified approval of the steps taken by Florez while awaiting an answer from the home Government, but he did not definitely commit himself on the question to which Florez had tried to elicit an answer—that is, whether he would declare the ships good prize.

On September 16 Florez replied that he had decided to continue his preparations for sending supplies and reënforcements to Nootka, since Revilla-Gigedo had approved using the captured ships for that purpose.[b]

The new Viceroy took control of the government October 18.[c] A few days later he wrote to the home Government concerning Nootka affairs:

> When my predecessor, Don Manuel Antonio Florez, surrendered this government to me we had many extended conferences, but either because of forgetfulness or on account of preference for other weighty affairs, he did not mention the matter of the English ships captured at Nootka. He ought to have done it, since he left the business for me to settle. * * * My verdict has always been opposed to the seizure of the vessels, but since my predecessor has seen fit to refer the matter to the home Government, I have concluded that I ought to do

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[a] Revilla-Gigedo to Florez, Veracruz, September 9, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

[b] [Florez] to Revilla-Gigedo, Mexico, September 16, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

[c] Informe of Revilla-Gigedo, Bustamante [Cavo], Los Tres Siglos, III, 130.

> nothing further until I have received the decision of the King. Since there were no others available at San Blas, he had made use of the captured ships, he said, to bring arms from Acapulco to that port. After their return from this trip he would send them in January with supplies and reënforcements for Nootka. By the time these operations should be completed the King's orders for detention or release would have come.[a]

About the time that the new Viceroy took possession of the government, letters arrived from the captains of the captured English vessels. Mention has been made of the letter which Florez wrote to the commandant and commissary at San Blas immediately after receiving news of the arrival of the first prize. Besides this letter giving orders for the care of the prisoners, the repairing of the vessels, and making an inventory of the cargo, he seems to have given instructions for obtaining a full statement of their case from the English commanders. Their letters were addressed to Florez. These are the accounts of Colnett and Hudson to which frequent reference has been made above.[b] In closing, Colnett said:

> Your excellency will pardon me for venturing to write such a long letter, in which I have dwelt on affairs of such little importance. But if I have done so, it has been at the instance of the commandant of this port, who has told me that it was your excellency's wish. As reflecting the treatment received at San Blas [he said], I beg permission to add that all of the bad treatment which I received at Nootka and the cruelty which was practiced on me in my passage from thence hither has been entirely wiped out by the attentions and humanity of the official whom I find here in the position of commandant, Don José Comancho.[c]

This letter bears no date, but that of Hudson which accompanied it is dated September 18.[d] Inclosed with these letters was a copy of an inventory giving the original cost of each article. It was signed by Colnett and Duffin, and apparently included the cargo of the *Argonaut* only. On October 1 Colnett wrote another letter, in concluding which he said:

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[a] Revilla-Gigedo to Valdes, Mexico, October 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90–3–21.)

[b] Chapters IV and V.

[c] Spanish translation of Colnett to Florez, San Blas [September 18], 1789. (MS. Arch. Gen. de Indias, Seville, 90–3–21.)

[d] Spanish translation of Hudson to Florez, San Blas, September 18, 1789. (MS. Arch. Gen. de Indias, Seville, 90–3–21.)

> The climate of San Blas has proved to be very bad for me and my officers and crew. We should consider it a great favor if you would permit us to make a journey on horseback some miles inland, or allow part of us to pass a few days at some distance from the port.[a]

It fell to the lot of Revilla-Gigedo to answer the letters. On October 21 he wrote to Colnett:

> I have read the representations which you and Captain Hudson made to my predecessor, the Most Excellent Señor Don Manuel Antonio Florez. He has turned over to me all of your complaints against the proceedings of the commandant of Nootka, Don Estevan José Martinez. My dealings shall be based on the laws of reason, equity, and justice. This is all that I can or should say at present. I assure you and Captain Hudson that yourselves and all the people of your vessels shall be treated with such attention as is demanded by the friendship and harmony existing between our Sovereigns.[b]

Having thus temporarily disposed of the question of the captured ships, the Viceroy busied himself about carrying out a "royal order of the 14th of last April for sustaining with vigor our new establishment at Nootka." He wrote to his superior at Madrid how he had planned to send, in the following January, a new expedition of three vessels with complete equipment, supplies, and reënforcements. It was to be commanded by a military official. He was to succeed Martinez as commandant of Nootka, and was to receive from Martinez complete instruction regarding the country and its inhabitants. This would contribute the greatest possible security to the establishment in that port. But the plan had been completely overthrown by the return of Martinez with all of his ships to San Blas December 6.[c] At first this had caused the Viceroy great inquietude, but soon he had modified his plan and was again pushing it to completion. The new commandant was to be Eliza, and Martinez should accompany him in the office of pilot. The Spanish possession of Nootka was to be vigorously maintained if any foreign power should attempt to dispute it. One of the three ships was to be the captured *Princess Royal*. The *Argonaut* had already gone to Acapulco and returned to San Blas loaded with artillery to furnish armamennt for the expedition.[a] This new enterprise may be dismissed for the present to follow the fate of the English prisoners.

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[a] Spanish translation of Colnett to the Viceroy, San Blas, October 1, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[b] [Revilla-Gigedo] to Colnett, Mexico, October 21, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[c] See last chapter.

Before turning to the dealings of the Viceroy with the Englishmen it is interesting, though not essential to the narrative, to notice the final exit of Martinez from the stage that his rashness had brought into prominence. In a letter of February 26, 1790, the Viceroy mentioned a royal order of October 13, 1789, "informing me that at the instance of Doña Gertrudis Gonzales, wife of Don Estevan José Martinez, ensign of the navy, the King had resolved that I should arrange to transfer this official to those dominions [Spain], or that in case his continuance at San Blas was necessary to the service that I should withhold a third part of his salary, to be applied to the support of his wife and of one daughter 17 years old."[a] Thus it appears that while Martinez was getting himself and his Government into trouble in America his family in Spain was in trouble because he had neglected their support. The Viceroy gave orders at once for Martinez's return from Nootka on the first vessel coming to San Blas, in order that he might go to Spain and rejoin his family. His services were no longer necessary, it was said, there being enough officials without him. It should be noticed that this order was given more than two months before news reached Spain of Martinez's operations at Nootka. So that could have had no influence on his recall.

The request for a change of climate made by Colnett in his second letter to the Viceroy, mentioned above, was granted. In Colnett's published account he says: "We were removed 60 miles up the country; here we were allowed great liberty and better treatment,"[c] and permitted to remain "the six latter months of our captivity."[d] This was at a place called Tepic. Not only was this favor granted, but the English commanders were allowed to go in person and plead their case before the Viceroy. Speaking of Bodega y Quadra, the new commandant of San Blas, Colnett says:

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[a] Revilla-Gigedo to Valdez, Mexico, December 27, 1789. (MS. Arch. Gen. de Indias, Sevilla, 90-3-19.)

[b] Revilla-Gigedo to Valdez, Mexico, February 26, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-26.)

[c] Colnett, Voyage, 96-102, note.

[d] Id., 105.

> To this officer I am greatly indebted for his kind attention and obtaining permission for me to go to Mexico to claim redress for our past treatment.[a]

In Revilla-Gigedo's first account of the matter to the home government he had mentioned the English captain's complaint of the bad faith and worse treatment of Martinez. He said he had offered to give them a hearing in court, but it would be impossible to this without giving Martinez a hearing at the same time.[b] When writing this he supposed that Martinez was at Nootka and would remain until relieved of his command. But although Martinez returned to Mexico shortly thereafter, still the trial was not held, since he had to go again to Nootka as pilot of the expedition under Eliza. The Viceroy, in his published "Informe," tells of the promised trial and why it was not held:

> The captain of the *Argonaut*, James Colnett, and that of the *Princess Royal*, Thomas Hudson, his subaltern, asked and I gave them permission to come to this capital. They produced their complaints against Martinez and I ordered the case to be drawn up. But it could not be continued, because the defendant and some of the witnesses were necessarily employed in the royal service and the plaintiffs wished to be set free as soon as possible.[c]

Speaking of his stay at the capital, Colnett says:

> On my arrival at Mexico and during my residence there I was treated by the Viceroy, Don Revilla-Gigedo, with greater politeness and humanity, and, indeed, by all ranks of people in that city.[a]

The time of the arrival of the English captains at Mexico seems to have been about the first of the year. They received no definite answer to the question whether their ships should be condemned or released until late in April. The Viceroy was waiting for an answer from the home Government to the first account of the seizures which Florez had written the previous August. This account had not reached the Government until December 30.[d] Florez's second account was received three days later.[e] Thus by the second day of the new year the Government had a full account of the seizures and copies of all of the documents. No reply was made until January 26. When this reply reached the Viceroy, greatly to his surprise and disappointment, it gave him no advice, but instead it asked for his determinations concerning the question whether the ships were good prize.

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[a] Colnett, Voyage, 96–102, note.

[b] Revilla-Gigedo to Valdez, Mexico, October 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[c] Informe of Revilla-Gigedo, April 12, 1793. (Bustamante [Cavo], Los Tres Siglos, III, 132.)

[d] Valdez to Floridablanca, December 30, 1789. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[e] Valdez to Floridablanca, January 2, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

Revilla-Gigedo resolved to wait no longer for advice, and so took the responsibility upon himself. In answer to the request from Madrid, he wrote, on May 1, 1790, his conclusions, as follows:

> They have been to liberate the English prisoners on the conditions shown by inclosed letters. Colnett, who came to Mexico with my consent to present his complaints, will now return to San Blas, where he will receive his ship, the *Argonaut.* Embarking there with all of the English and Chinese,[a] he will return to Macao or wherever he wishes. At Nootka he will receive from the commandant, Don Francisco Eliza, the sloop *Princess Royal*, which will be turned over to her master, Thomas Hudson. These foreigners are warned not to delay, trade, nor establish themselves on our Spanish coasts under threat of punishment for violation. I have felt compelled to release them, considering that I ought not to hold as good prize a few little vessels found on a distant and deserted coast of our colonies of California; and considering the uselessness of burdening the royal treasury with some 60 men, whose scanty sustenance has to be provided for in the feeble and expensive establishment of San Blas in order that the just sentiments of humanity might not be violated, and that the plans of my predecessor might be carried out.[b]

This action of Revilla-Gigedo and the grounds here given for the release of the English ships are consistent with the position taken by him as soon as he heard of the affair, namely, that the vessels ought never to have been seized. It will be interesting to notice the subsequent change in his position.

Colnett had been informed of the decision of the Viceroy on April 27.[c] On the same day orders were sent to San Blas for carrying it out. The commandant, Bodega y Quadra, was to surrender the *Argonaut* to Colnett in good condition, and was to give orders to Eliza at Nootka to surrender the *Princess Royal* to Hudson in the same condition. The small schooner, since it could not be taken apart to be put on the larger vessel, was to be paid for. All belongings were to be returned to the prisoners. The supplies deposited in the royal storehouses were to be given back, an equivalent was to be given for everything applied to the royal service, and whatever had been lost was to be paid for. All this was to be done in such a manner as to avoid complaint.[a] Besides having all of their belongings restored, the commissary was to pay wages to all, extending from the day of their capture until they were released. Colnett was to be paid as a lieutenant of the navy, and all others according to their rank as regulated by the scale of wages for the South Sea. A general account was to be made of all expenses occasioned by the captured ships.[b] The Viceroy argued, in a letter to the home Government, that the English South Sea Company, under whose license Colnett was navigating, should repay to the royal treasury of Spain all expenses occasioned by the captured ships. His reason was that their agents made the seizure necessary by coming to the coast of California, where they could neither establish themselves nor enjoy commercial advantages by right.[c]

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[a] Florez's plan, mentioned in the last chapter, for taking the Chinese to Nootka and liberating them, had evidently not been carried out.

[b] Revilla-Gigedo to Valdez, Mexico, May 1, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[c] Revilla-Gigedo to Colnett, Mexico, April 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

In the packet which Revilla-Gigedo sent on May 1 he inclosed a letter from Colnett to the British ambassador at Madrid, presenting his complaints against Martinez.[d] The Viceroy added that he hoped these would be considered when Martinez reached Spain.

The Viceroy considered that he was treating Colnett very liberally, and it does seem that he had allowed about all that could be expected if his orders should be faithfully carried out. Colnett, however, was not fully satisfied and presented a number of formal requests. He enumerated a list of things which he requested should be sent from Mexico to fit out his ships. These were granted. He asked that all of the wages of both crews be paid to him as commander, which was granted also. He demanded payment for himself as commandant of an expedition, but he was allowed pay only for a lieutenant, which was less than half as much. He demanded the return of the schooner which he had brought in the *Argonaut*, but which Martinez had taken. He was to have pay for it. He wished the *Princess Royal* to return to San Blas for her crew, but he was compelled to wait until he should get to Nootka for her. He demanded a money payment of not more than £3,000 to reimburse himself for personal valuables and nautical instruments lost. The Viceroy refused this, since he had ordered that all of these should be returned or paid for at San Blas. He asked for a special interpreter to be appointed for him, but this was refused as unnecessary. His request for the return of his servant, a Sandwich Islander, was at first refused, but later granted. The Viceroy was attempting to keep this man, who was said to be chief of one of the islands, ostensibly that he might be converted to the Catholic religion; but probably the real reason was to use him in getting an opening for a Spanish settlement on the Sandwich Islands. He had flattered the vanity of the savage by promising to send him to see the King of Spain. Colnett's persuasion prevailed. The most important request was that for a passport which should allow greater privileges than the Viceroy's order for his release had granted.[a]

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[a] Revilla-Gigedo to Bodega y Quadra, Mexico, April 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[b] Revilla-Gigedo to the commissary of San Blas, Mexico, April 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[c] Revilla-Gigedo to Valdez, Mexico, May 1, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[d] Copies of this letter from Colnett to the British ambassador at Madrid, one to Cadman, Etches & Co., one to Colnett's mother, and one to P. Stephens, of the Admiralty office at London, all dated May 1, 1790, are in Madrid. (Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

The Viceroy had forbidden the Englishmen to make any establishment, to trade, or even to tarry on the coast; and in his first reply to Colnett's demands he repeated the prohibition. Three days later Colnett wrote again, using very plain language. He called attention to the instructions under which he had sailed with a license from the British Government. Those instructions required him to trade with the Indians and to form an establishment for that purpose. The Viceroy's instructions had ordered him to sail directly to Macao, without stopping on the coast. He pointed out the inconsistent position in which he was placed. The right of Spain to the coast was a point to be settled—he hoped, in a friendly manner[a]—between the Cabinets of Madrid and St. James. It was clear that the right was not recognized by the English, as was shown by the patent and instructions which he bore. That same year the privilege granted to his company would expire. Let Spain see, in a friendly manner, that it should not be renewed, but the Viceroy should not oppose the pacific execution of a commercial undertaking attempted in good faith and at so great an expense. He demanded a passport with only one prohibition, namely, to trade with Spanish ports.[b]

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[a] Colnett to Revilla-Gigedo, Mexico, May 3, 1790, and answer, Revilla-Gigedo to Colnett, Mexico, May 4, 1790. (MSS. Arch. Gen. de Indias, Seville, 90-3-21.)

Colnett's arguments had the desired effect. On May 11 the Viceroy sent him a passport with only the one prohibition and expressly stating that he might carry on his operations in places not actually under Spanish dominion.[c] In the letter inclosing the passport he trusts that they will not think of making an establishment on the coast or of trading to the prejudice of the Spanish nation.[d]

It is noteworthy that in this passport the Viceroy reversed his decision of ten days before and declared that Martinez's seizure of the vessels was well founded. He cited laws and royal orders which he said not only absolutely forbade the navigation, establishment, and trade of foreign nations on the American coasts of the South Sea, but ordered them to be looked upon and treated as enemies. His reason for freeing the English ships, he now said, was to preserve harmony and a good understanding between the subjects of His Catholic Majesty and the King of Great Britain. The change in his mental attitude seems to have been brought about by the stubborn persistence with which Colnett urged his demands in the meantime. By the latter part of May, when he wrote again to the home Government, the Viceroy had formulated his decision. He declared:

> The coasts north of California are truly and justly the dominions of our Sovereign. According to the royal order of November 25, 1692,

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[a] Had Colnett and the Viceroy known of the feverish excitement in Europe at this very time in expectation of a war over this quarrel between sea captains this veiled threat would not have seemed so obscure.

[b] Colnett to Revilla-Gigedo, May 7, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[c] Passport signed by Revilla-Gigedo, Mexico, May 11, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[d] Revilla-Gigedo to Colnett, Mexico, May 11, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

> of which my predecessor sent a copy, and according to the treaty, to which it refers, of 1670, ratified and confirmed by article 2 of that of 1783, all of the vessels which Don Estevan José Martinez, ensign of the royal navy, found in Nootka were legitimate prizes. The release of the packet boat *Argonaut* and the sloop *Princess Royal* has been the result of pure generosity.[a]

This is a complete reversal of his decision quoted above from his letter of twenty-six days earlier. In his "Informe" of three years later the Viceroy cited in addition as grounds for his decision an article of the orders of the royal navy, and also a royal order of October 18, 1776, "to detain, seize, and prosecute any foreign ship which arrives in our ports of the South Sea.[b]

A royal order had been finally given, March 23, definitely instructing the Viceroy to liberate the captured ships. In a letter of June 26 Revilla-Gigedo said that the royal order of March 23 had been completely satisfied by his accounts of May 1 and 27. He was pleased that he had conformed so happily to the decisions of the King.[c]

According to Colnett's published account, he found on his return to San Blas that the *Argonaut* was in a bad condition on account of the treatment she had received. He says that the Viceroy's liberality in allowing wages was counterbalanced by the charges for maintenance, traveling expenses, medical assistance, and an allowance of eight months' provisions. He says also that before he was allowed to sail he was compelled to sign a paper expressing his complete satisfaction with their usage.[d] That paper was signed July 8, 1790, and is as follows:

> I have the honor of informing your excellency that to-day I have been dispatched from San Blas; and I also have the satisfaction of adding that I have reason to be content with the treatment of the commandant and commissary of this department.
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> With all proper submission, I ask permission of your excellency to add that the money which I have received here is little more than the amount of my individual loss, and is not the fifth part of the damages by the most moderate calculation. Since I shall have to

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[a] Revilla-Gigedo to Valdez, Mexico, May 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[b] Informe of Revilla-Gigedo, April 12, 1793. (Bustamante (Cavo), Los Tres Siglos, III, 132.)

[c] Revilla-Gigedo to Valdez, Mexico, June 26, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

[d] Colnett, Voyage, 96-102, note.

turn matters over to the company which employs me, I hope that your excellency will have consideration in keeping with your known generosity, and will not allow them to suffer such losses.[a]

This, if true, indicates that Colnett's apprehensions of illiberal treatment at San Blas were well founded. On his arrival at Nootka the *Princess Royal* was not there. June 11 of the next year she was dispatched from San Blas to be surrendered to Colnett or some other representative of the company in China.[b] Colnett fell in with her and she was handed over at the Sandwich Islands.[c]

This closes the Nootka affair as far as events on the American continent are concerned. Before the Viceroy had finally decided to liberate the prisoners, the matter had been taken up by the home Governments, and all Europe was ablaze with excitement over an expected war. The center of interest now shifts to the diplomatic controversy, which is the most important phase of the Nootka incident.[d]

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[a] Colnett to [Revilla-Gigedo], San Blas, July 8, 1790. (Arch. Gen. de Indias, Seville, Sec. Estado, Audiencia de Mexico, 1790.)

[b] Revilla-Gigedo to Floridablanca, Mexico, December 30, 1791. (Arch. Gen. de Indias, Seville, Sec. Estado, Audiencia de Mexico, 1791.)

[c] Colnett, Voyage, 96–102, note.

[d] The obscurity of the facts discussed in this chapter is illustrated by the following quotations:

"It has been generally supposed from later diplomatic correspondence that the Viceroy in restoring the vessels acted on his own judgment; but it appears from his own statement that he acted probably in accordance with orders from Spain, dated January 26, 1790." (Bancroft, Northwest Coast, I, 223.) This author's conclusion is exactly contrary to the fact, as has been shown above. The Viceroy did act on his own authority, finally, as has been shown; and this communication of January 26 gave no orders. The Viceroy's statement, to which Bancroft here refers, is the Informe of Revilla-Gigedo, published by Bustamante, which is very brief and sometimes misleading. Bancroft devotes a little more than one page to discussing the subject-matter of this chapter. Besides this Informe he had the note in Colnett's Voyage.

Greenhow, Oregon and California, p. 200, speaking of the restoration of the English ships, says: "It was at length decided that * * * they should be released, with the understanding, however, that they were not again to enter any place on the Spanish-American coasts, either for the purpose of settlement or of trade with the natives." This was the Viceroy's order at first, but in the passport he gave permission to touch at places not under Spanish control, as shown above. The same writer, speaking of Colnett's failure to get the *Princess Royal* at Nootka, as promised, says: "On arriving at the sound Colnett found the place deserted." The sloop was not there, but there was a substantial Spanish settlement, as will be shown later.

"La autoridad superior de Nueva España no sancionó el hecho [Martinez's seizure of the English vessels]; apenas llegó á su noticia, atendiendo á las buenas relaciones en que estaban los Gobiernos de ambos Estados y á la ignorancia en que suponia á las proprietarios de los bajeles, ordenó la immediata soltura de estas con sus cargamentos." (Duro, Armada Española, VIII, 10.)

What has been discussed so far might be briefly summarized as follows: As far as discoveries and explorations, which could give definite claims, are concerned, the Spanish were the earlier; but the English were made in ignorance of the Spanish, and the results of the English were published first. Spain could claim a prescriptive title from the fact that she had maintained for so long an undisputed claim, and from the additional fact that the land was contiguous to her settled Mexican dominions; but the English were the first to attempt to develop the country by exploiting the fur trade. The first actual establishment was made by the English, and, although it was temporarily abandoned in the autumn, it was with the evident intention of renewing, enlarging, and making it permanent in the spring; but unfortunately for what was, in the autumn of 1789, an unquestionably superior claim, it was counterbalanced by the arrival of a Spanish expedition in the spring of 1790, a few days before the English returned to resume their occupation, and when there were no signs of previous or intended occupation. The fact that the Spanish expedition was public while the English was private, favored the former. From these recapitulations it is plain that there was abundant ground for disputing the respective rights.

As to the justice or injustice of the seizures at Nootka, there is also room for dispute. The *Iphigenia*, by pretending to be a Portuguese when she was really an English ship, aroused a just suspicion, and what was probably a harmless trick, meant solely to deceive the Celestials, as-

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This work was published in 1902, and is considered the best on the Spanish navy.

The error, which is a common one, of thinking that they were released by the Viceroy immediately, doubtless arises from the Spanish minister's statement in his memorial of June 13, 1790, to the British ambassador, published in the Annual Register, XXXII, 296. This states that the Viceroy released the vessels without declaring them lawful prize, and allowed them to return to Macao under bond as the *Iphigenia* had been disposed of. These two statements are exactly contrary to the fact. The Viceroy did declare them lawful prize, and did not place them under bond. What the Spanish minister said had been done was what Florez had said, in his second account to the home Government that he thought ought to be done, but which he left his successor, Revilla-Gigedo, to do. The Spanish minister had inferred that the new Viceroy would do this, but that official had not done it, as has been shown.

Oscar Browning, Cambridge Modern History, VIII, 290, says more correctly that they "were released by the Viceroy on the ground of the friendly relations existing between the two nations, and the probability that the traders were ignorant of Spanish rights."

sumed a grave appearance when the added suspicion of piracy was aroused. But this suspicion of piracy was based on a mistake made by the Spaniard in translating the ship's instructions. Having seized her on the ground of this double suspicion, for the sake of consistency and to hide his blunder, Martinez justified his rash act on a totally different ground, but one which was plausible from the Spanish view. When the *Argonaut* arrived her captain made the mistake of rashly declaring his purpose before he knew his opponent's strength, and of manifesting too much impatience to get out of the power of a man who would probably have allowed him to depart in peace had he been patient. Then a quarrel, caused largely by the mistakes of a blundering interpreter, ended in the Spaniard's making another rash seizure, this one without so much as having had the Englishman's papers translated.

When the matter was transferred to the officials in Mexico, the outgoing Viceroy, instead of shouldering the responsibility and acting at once, attempted to shift it to his successor. The failure of the two to agree led to an awkward delay of several months. Then after the new Viceroy finally declared that the vessels were not good prize, a quarrel with the liberated Englishman led him to reverse his decision. so far as the principle was concerned, though his change did not affect the fact of the Englishman's freedom.

The whole episode to this point seems to have been a series of blunders, and would not merit careful consideration had not the consequences been so serious for the home Governments.

CHAPTER VII.

ATTEMPTS AT PEACEABLE SETTLEMENT.

The Spanish name of greatest importance in the diplomatic contest with England in 1790 is that of Count Floridablanca. He was of humble origin. His ability as a diplomatist was established while ambassador to the Papal Court, especially in the suppression of the Jesuit order. "This result [says Tratchevsky] was due in great measure to the skill and energy of the Spanish ambassador at Rome, Don José Moñino. As a recompense, Charles III conferred on him the title Count Floridablanca, and soon made him prime minister (1777)."[a] He retained this position fifteen years. "His integrity and love of labor won for him the entire confidence of Charles III, who found in him the industrious and respectful servant whom he sought.[b] He was a great worker, of clean morals, beneficent, but very proud."[c] He was a devoted servant of monarchy and an enthusiastic adherent to the principle of aristocracy. But on account of his recent elevation to the rank of a noble he did not enjoy the favor of the upper classes. Zinovief, the Russian ambassador, wrote: "The nobles and the soldiery despise him, and he, in turn, takes no pains to hide his aversion to them. No one of the great nobles enjoys any considerable importance at Court or in the confidence of the King. Floridablanca seems intentionally to push everyone else aside that he alone may enjoy the Sovereign's favor. Even the King's confessor, who, it seems, should have nothing to fear, has to yield to him. * * * Everybody trembles before him."[d]

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[a] Tratchevsky, L'Espagne à l'Epoque de la Révolution française, Revue Historique, XXXI, 5.

[b] Desdevises du Dezert, L'Espagne de l'Ancien Régime, II, 39.

[c] Grandmaison, L'Ambassade française en Espagne pendant la Révolution, 7.

[d] Quoted by Tratchevsky, work cited above, p. 5. The Russian ambassador was thoroughly familiar, in an official way, with Floridablanca. The former had been at the Court of Madrid before the latter became prime minister and remained until after the latter's retirement. He was an ardent admirer of the great Spanish minister. His despatches in the archives at Moscow were the chief source for Tratchevsky's article.

This enviable position was enjoyed by the great minister until the death of Charles III (1788). He was retained by Charles IV, but it was not long before his position began to be undermined by court intrigues. Baumgarten says:

> The Queen sought occasions to cast reproaches upon him over a multitude of trifles, and, according to the testimony of Sandoz, this mighty man was more busily engaged in these bagatelles than in the weighty affairs of state.[a] * * * The Queen found willing accomplices among the Count's associates in the cabinet. By 1790 his power was greatly diminished, so that he entered the contest with England considerably handicapped.[b]

The controversy between England and Spain did not seem so one-sided at that time as it does when viewed in the light of the subsequent history of the two countries. The thirty years' reign of Charles III, which had just closed, is the most glorious period of Spanish history, with the single exception of her period of preeminence in the sixteenth century. Desdevises du Dezert says: "In Charles III Spain had a real King, the only one she had had since Philip II."[c] Speaking of his position in Europe, the same author says:

> His foreign policy was wise. He rightly considered England as the true enemy of Spain. He feared for the Indies; he beheld them invaded by English merchants and adventurers, by English merchandise and ideas. To protect the colonies he hurled upon them a new current of Spanish emigration, and decreed liberty of commerce between the Peninsula and America. He allied himself with France in order to combat England; and, notwithstanding some reverses, the war was closed to the advantage of Spain, which country in 1783 again took her place as a great European power.[d]

When the conflict came, in 1790, although nearly two years of the reign of Charles IV had passed, little was known of the weakness of the King, the corrupting influence of the Queen, and the intrigues in the ministry. Europe of the time saw in Spain a country rapidly forging to the front, with a rejuvenated kingship, and a minister second only to Pitt.[a] Led by this minister, Spain had less than a decade before been largely instrumental in humiliating England; and since then she had persistently refused to make any commercial concessions to her vanquished antagonist. The same minister now dared to intervene between the Czar and the Porte. He was also negotiating for an alliance between Spain, France, Austria, and Russia.[b] If this quadruple alliance should prove successful the outlook for England would be dark, notwithstanding her triple alliance with Prussia and Holland.

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[a] Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Rev., 268. Sandoz was the Prussian ambassador at Madrid. His dispatches sent to Berlin furnish the chief basis for Baumgarten's work.

[b] Id., 268–276. In these pages the author discusses the internal conditions of Spain, the court intrigues and ministerial complications. On April 25, 1790, there was a reorganization of the ministry. The department of justice, which Floridablanca had hitherto controlled, was taken from him, and with it went an extensive appointing power that had contributed much to his prestige. He was even given an associate in the department of foreign affairs, who should act when sickness or absence incapacitated the Count.

[c] Desdevises du Dezert, L'Espagne de l'Ancien Régime, II, 14.

[d] Id., 16.

Such, briefly, was the political condition of Spain, internally and externally, when news arrived of the occurrences at Nootka Sound which have been discussed in the foregoing chapters.

As stated above, it was at the very beginning of the year that the intelligence was received which was soon to throw all Europe into a war fever. On January 2, 1790, Valdez[c] sent to Floridablanca the second installment of letters and documents concerning the occurrences at Nootka. Three days earlier he had sent the first bundle.[d] These two packages contained a complete account of the affair, with copies of all the documents. Valdez asked for His Majesty's pleasure concerning the matter,

On January 4, Anthony Merry, the English chargé d'affaires at Madrid wrote to the Duke of Leeds, British secretary for foreign affairs, giving a very confused account based on rumors. Word had just arrived from Mexico, he said, that a small Spanish ship of war had captured an English vessel in the port of Nootka. There were conflicting accounts of the event. Some said "that the Viceroy of Mexico, having had notice that the English were forming an establishment at the above-mentioned place, ordered a ship there to take possession of it." Others said that the Spanish ship was there simply to reconnoiter the coast. There were also conflicting accounts of what was done with Russian, Portuguese, and American ships found in the same port, some stating that all were allowed to go free except the English; others; that all were seized and only the American released, Merry had not yet been able to learn the name of the English vessel or her master. All accounts agreed that she had come for the purpose of forming a settlement, that other vessels were to follow, and that the captured ship had been manned with Spanish seamen and sent to Mexico.[a]

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[a] Grandmaison, L'Ambassade française en Espagne pendant la Rév., 8. This quotes the following from Comte de Vaudreuil to Comte d'Artois, July 2, 1790, published in Pingaud, Correspondance Intime pendant l'Emigration, I, 219: "C'est un homme loyal, qui poursuit toujours et sans se rebuter ce qu'il a une fois entrepris. Soyez sûr que M. Floridablanca est (sans en excepter même M. Pitt) une des meilleures têtes de tous les cabinets de l'Europe."

[b] Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Rev., 283.

[c] The Viceroy's letters were addressed to Valdez. He was minister of marine and, before the reorganization of the ministry mentioned above, also treasurer for the Indies. At that reorganization the finances of the Indies were transferred to the regular department of finance, at the head of which was the ungrateful Lerena, who was the leader of the ministerial opposition to Floridablanca in spite of the fact that he owed his entire political advancement, and even his position in the ministry, to the Count. Valdez was the man who was made associate to Floridablanca in the foreign office. He also retained the ministry of marine. (See Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen, Rev., 268-276.)

[d] See Chapter VI, ante, for a complete discussion of the contents of these letters from the Viceroy. The first was written August 27, 1789, on receipt of the news of the arrival of the *Argonaut* at San Blas, and the second, September 26, after the arrival of the *Princess Royal*. The letters from Valdez of December 30 and January 2 give both numbers and dates of the letters from the Viceroy, showing that they contained full accounts.

This was the first account to reach London.[b] It is not strange that mistaken notions were formed. Fired by hatred for the Spaniards, it was natural that the English should consider the act much more atrocious than it was. The indefiniteness and inconsistency of the accounts gave room for full play of the imagination. The Spanish Court, which had complete accounts, either did not study them carefully enough to get at the whole truth, or intentionally kept the British Court in the dark. No English account arrived for nearly four months. Such a period of uncertainty and suspense prepared a fertile field in which the exaggerated accounts then arriving produced a fruitful crop of error.

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[a] Merry to Leeds, Madrid, January 4, 1790. (A Narrative of the Negotiations Occasioned by the Dispute Between England and Spain in the Year 1790, 1.)

This Narrative is a very rare book, and very valuable for the subject in hand. No previous writer on the Nootka controversy has consulted it. Probably only a few copies were printed. The King's own copy is now in the British Museum. That obtained for use in this study is the only other copy that Messrs. Henry Stevens, Son & Stiles, antiquarian booksellers of London, have noted during the whole of their business experience. Neither date nor name of publisher nor author is given. The British Museum catalogue gives 1791(?) as the date. It is evidently an official account prepared in the foreign office especially for the King. In a letter from J. B. Burges, under secretary for foreign affairs, to Lord Auckland, dated Whitehall, November 12, 1790, found in B. M. Add. MSS. 34434, f58, he mentions an "interesting Narrative, which, at leisure hours, I have prepared for the King, of the whole of this business." A careful comparison of the printed Narrative with the documents in the public record office reveals the identity of the printed Narrative with the Narrative mentioned by Burges in this letter. The comparison also revealed the fact that the printed account is full and faithful. It is necessarily condensed, but nothing of importance is omitted.

The British chargé is the same Merry who, later, as minister to the United States, was connected with the Aaron Burr conspiracy.

[b] This news reached London January 21. It is usually stated that the British Court knew nothing of the matter before receiving the Spanish note of February 10.

Three days after sending the above confused account Merry inclosed an extract from a letter written in Mexico, which he had seen. This letter seems to have been unofficial. Respecting the genesis and purpose of the Spanish expedition it is true to the facts. It tells briefly of the expedition of 1788 to investigate the Russian settlements, of the discovery that the Russians intended to occupy Nootka, and of the Viceroy's prompt action to anticipate them. But respecting the events at Nootka little is told except the seizure of an English vessel and its arrival in Mexico as a prize.[a] On January 15 the British chargé wrote of a conference with Floridablanca on the subject. "The Count avoided explaining to him the particulars of the transaction, or avowing clearly the seizure of the vessels; neither did he enter upon the question of our right to trade or to form an establishment in that part of the continent of America." He said that he would direct the Marquis del Campo, the Spanish ambassador at London, to impart the circumstances to the Duke of Leeds.[b]

In virtue of this promise Floridablanca instructed Campo, January 20, regarding the communication which he was to make to Leeds. This communication will be studied presently.[c] A week after sending his harsh instructions the

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[a] "Narrative" cited on foregoing page.

[b] Id., 9.

[c] That these instructions were written January 20 is stated in Campo to Floridablanca, London, February 28, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The date is significant when it is noticed that on the same day he wrote a querulous letter to Montmorin, minister for foreign affairs at Paris. He expressed pity for France and her King and complained that in the present circumstances that country was not in a condition to support Spain as she should. He made no mention of the Nootka affair or of the sharp protest which he was sending to the British Court the same day. But he evidently had it in mind and was thinking of the complications to which it might lead. (See Floridablanca to Montmorin, Aranjuez, January 20, 1790, MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The same is printed in Calvo, Recueil Complet des Traités de l'Amérique Latine, III, 104.)

Count attempted to smooth matters over in another conference with Merry. He wished to see the present harmony between the two courts preserved and improved, and "hoped that no event might happen which might cause Great Britain to deviate from her present pacific system."[a]

The first three letters from Merry had reached London before February 2. On that day the Duke of Leeds wrote cautioning him to be extremely guarded in what he should say, until definite instructions could be sent after Campo's communication should have been received. He declared that England undoubtedly had a complete "right to visit for the purposes of trade, or to make a settlement in, the district in question."[b] When this positive declaration by the British Cabinet at the very first is compared with the demand of the Spanish Court, received a few days later, it is seen that a conflict was inevitable unless one side should yield.

The expected communication from Campo was received by Leeds February 11. Since it was this note that started the diplomatic controversy, and since it has not before been made public, it is worth while to quote it in full. It is dated "Manchester Square, February 10, 1790," and is as follows:

> MY LORD: Continuing the frequent expeditions which the King, my master, has ordered to be made to the northern coasts of California, the Viceroy of Mexico sent two ships, under the orders of Don Estevan José Martinez, ensign of the navy, to make a permanent settlement in the port of San Lorenzo, situated about the fiftieth degree of latitude, and named by foreigners "Nootka," or "Nioka," of which possession had formerly been taken. He arrived there the 24th of last June. In giving his account to the Viceroy, M. Martinez said that he found there an American frigate and sloop, which had sailed from Boston to make a tour of the world. He also found a packet boat and another vessel belonging to a Portuguese established at Macao, whence they had sailed with a passport from the governor of that port. He announced also that on the 2d of July there arrived another packet boat from Macao. This was English, and came to take possession of Nootka in the name of the British King. She carried a sloop in pieces on board.
>
> This simple recital will have convinced your excellency of the necessity in which the Court of Madrid finds itself of asking His Britannic Majesty to punish such undertakings in a manner to restrain his subjects from continuing them on these lands which have been occupied and frequented by the Spaniards for so many years. I say

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[a] Narrative of the Negotiations between England and Spain in 1790, 12.

[b] Id., 8.

this to your excellency as an established fact, and as a further argument against those who attribute to Captain Cook the discovery of the said port of San Lorenzo, I add that the same Martinez in charge of the last expedition was there under commission in August of 1774. This was almost four years before the appearance of Cook. This same Martinez left in the hands of the Indians two silver spoons, some shells, and some other articles which Cook found. The Indians still keep them, and these facts, with the testimony of the Indians, served M. Martinez to convince the English captain.

The English prisoners have been liberated through the consideration which the King has for His Britannic Majesty, and which he has carefully enjoined upon his viceroys to govern their actions in unforeseen events. His Majesty flatters himself that the Court of St. James will certainly not fail to give the strictest orders to prevent such attempts in the future, and, in general, everything that could trouble the good harmony happily existing between the two Crowns. Spain on her side engages to do the same with respect to her subjects.

I have the honor to be, etc.,

THE MARQUIS DEL CAMPO.

His Excellency M. the DUKE OF LEEDS.[a]

One who has read the foregoing chapters will recognize many misleading statements in this letter. The first sentence falsely gives the impression, though it does not make the positive statement, that the King of Spain had ordered the occupation of Nootka. Hence there was some ground for suspecting that the Spanish Government had ordered Martinez's violent proceedings. Martinez arrived at Nootka almost two months earlier than the date given in the note. June 24 was the date of the formal act of possession. This error seems to have been due to carelessness, since no motive is apparent, and the correct date is given in the documents which Floridablanca had at hand. The note does not mention the fact, clearly stated in the same documents, that the first packet boat and the other vessel accompanying it from Macao were really English, though nominally Portuguese; and the impression is given that they were allowed to go absolutely free as were the American vessels. No mention whatever is made of the *Princess Royal* which was also sent as a prize to Mexico, though this is plainly stated in the documents. Instead of telling that four English ships were captured, the impression is given that there was only one. The gravest misstatement is that the English prisoners had been liberated. As pointed out above, this was probably inferred from the statement in the second letter of Florez that he thought that they ought to be liberated, but would leave his successor to do it—a very insufficient ground for such a positive assertion. As a matter of fact, they were not liberated for more than three months after Floridablanca wrote the instructions which this note embodied.[a]

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[a] Translated from a manuscript copy in French found in the Archives des Affaires Étrangères, Paris; Espagne 1790, 5 1ers Mois, f. 96. The contents of the note are partially reflected in published memoirs written subsequently. (See Floridablanca to Fitzherbert, June 13, 1790, Annual Register, XXXII, 296.)

But the gravity of the note did not lie in its errors or prevarications. The serious part of it was the demand that the English King should punish his subjects for doing what Leeds had declared to Merry only a few days before they had a perfect right to do, namely, to trade and make settlements on the Northwest Coast. The further request that the English Government should give strict orders to prevent such enterprises in the future was virtually demanding that England should forever refrain from exercising this right. Such demands could only be acquiesced in when made upon a weak government by a strong one. English pride could not brook them.

The narative which was prepared in the foreign office and published by the Government[b] says:

> His Majesty's ministers conceiving the circumstance of seizing a British ship in time of peace to be an offense against the law of nations and an insult to His Majesty, lost no time in taking the only step in their power.[c]

A fortnight after receiving the Spanish note Leeds replied in a tone equally imperious. After reviewing the facts as given by Campo and referring to the demands of the Spanish Court, he said:

> As yet no precise information has been received relative to the events mentioned in your excellency's letter, but while awaiting such I have His Majesty's orders to inform your excellency that the act of violence spoken of in your letter as having been committed by M. Martinez, in seizing a British vessel under the circumstances reported, makes it necessary henceforth to suspend all discussion of the pretensions set forth in that letter until a just and adequate satisfaction shall have been made for a proceeding so injurious to Great Britain.

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[a] See Chapters III and VI, ante, which show the falsity of these statements.

[b] See footnote [a], p. 365.

[c] Narrative of the Negotiations between England and Spain, 12.

> In the first place it is indispensable that the vessel in question shall be restored. To determine the details of the ultimate satisfaction which may be found necessary more ample information must be awaited concerning all the circumstances of the affair.[a]

This haughty tone surprised the Spanish ambassador. In his note to Floridablanca inclosing Leeds's answer, he said:

> The reply which this ministry has finally given to my letter will surprise your excellency as it has surprised me. I refrain from comments on it. At first I thought of going to the Duke of Leeds to express my astonishment, but after considering the matter carefully I have concluded that I ought to refrain, fearing lest in the heat of conversation something might be said which might exasperate. Since it is a formal reply and in writing I could not have obtained its withdrawal. Besides, anything which I may say in reply will be better if it comes from there (Madrid), which is the source.[b]

This quotation is a postscript to a letter which had been written after delivering the Spanish note to Leeds, but evidently before receiving the answer. In the letter he had said that Leeds listened to him calmly, but avoided any discussion of the matter. He had tarried a little time and then withdrawn to write his account and urge anew that orders be sent disavowing the seizure. He was not convinced that, as might be suspected, the English expedition had been ordered by the Court. He believed it to have been an enterprise of some remote officials.[c]

It should be noticed in connection with this reply to the Spanish Court that Pitt was at this very time listening to the schemes of Colonel Miranda, the famous South American agitator. It is quite possible that this had much to do with the imperious tone assumed by the British Cabinet. As previously stated, the Spanish note was received February 11. On February 14 Miranda met Pitt, on the latter's invitation. He had previously proposed his "grand plan" for the advantage of England in connection with South America, and that plan was considered at this meeting. Miranda explained the new form of government to be introduced and discussed the existing situation. The plan was admitted to be beneficial, but was to be put into execution only in case of a war with Spain. Pitt asked him to write down the substance of what he had said, adding a statement of all the products of South America, the exports and imports, and the population, and the military and naval forces of both South America and Spain. Miranda did so with as much accuracy and detail as possible, and submitted his statement to Pitt on March 5.[a] In the meantime, on February 25, Leeds's reply had been delivered to Campo. It will be interesting to watch the progress of these conferences between Pitt and Miranda and note the coincidence of some of them with the critical periods of the Spanish negotiation.

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[a] Leeds to Campo, Whitehall, February 26, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) Oscar Browning, Cambridge Modern History, VIII, 290, says that the original of this reply, now in the public record office, is in Pitt's own hand.

Muriel, Historia de Carlos IV, I, 108–109, gives briefly the substance of the Spanish note of February 10 and the British reply of February 26.

[b] Campo to Floridablanca, London, February 28, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[c] Id.

While awaiting the reply from London, nothing out of the ordinary seems to have occurred at the Spanish capital. When Leeds cautioned Merry to be guarded in what he might say, he also asked the chargé for all the information he could obtain concerning recent Spanish naval movements. Merry's replies indicated a pacific attitude, externally at least, on the part of the Spanish Court. March 1 he wrote:

> Count Floridablanca gave me no hint of his having any intention of arming; and, notwithstanding the reports which have continued to prevail here with regard to the naval preparations in the Spanish ports, I can not, on the most diligent inquiry, find that any are yet commenced, except for the equipping of 3 ships of the line, 6 frigates, and 3 sloops of war for the purpose of forming a fleet of exercise. [On March 15 he wrote:] The King of Spain has given orders to grant free license to Prince Edward to pass and repass from Gibraltar to Spain, and to pay him the same honors as to an Infante de Castilla.[b]

After the English reply reached Madrid, Merry's reports were very different. March 22 he wrote that Floridablanca was much dissatisfied with the English reply, but still seemed anxious that peace should be preserved. Merry thought that the Count's ill humor was caused by the fear lest Great Britain should use the matter as a ground for a quarrel.[c]

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[a] Miranda to Pitt, London, September 8, 1791. (Am. Hist. Rev., VII, 711, 712.)

[b] Narrative of the Negotiations between Great Britain and Spain, 13, 14.

[c] Id., 15.

On the same day that Merry wrote the last-mentioned letter an important session of the supreme junta of state was being held. The question considered was as to the reply that should be made to England. The matter had been discussed in the preceding junta. At this meeting of March 22 Valdez, the minister for marine, presented in writing his version of the proper reply. Though it is not given, its import may be divined from the report which accompanied it. He told of abundant military preparations at the principal places in the Indies, of what was needed to complete their equipment, and the orders that could be given to insure their security. He also reported on the state of the Spanish navy, telling of the ships at the three naval stations Cadiz, Ferrol, and Carthagena. There were 45 ships of the line and 32 frigates ready to be armed at once; and in addition 24 of the former and 7 of the latter could be prepared in a short time. The chief of the council for the Indies, Porlier, also presented his opinion in writing. Others gave oral advice, and it was left to Floridablanca to formulate the reply to the English Court. Valdez received royal orders to collect a squadron at Cadiz to be ready for emergencies, and to take the steps necessary to put Honduras, Trinidad, and Porto Rico in a state of defense.[a]

On March 24 an order was sent to the Viceroy of New Spain to liberate the English ship in case this had not already been done.[b] As stated in the preceding chapter, the vessels had not been released at this time, but were liberated before this order reached the Viceroy.

Merry had another conference with Floridablanca on March 27. He reported to his Government that the Count had concluded from Leeds's reply that the British Court intended to use the matter as a ground for quarreling. The Spanish minister lamented the fact and hoped that the necessity for Spain's coming to an understanding with other courts might be avoided. He said that he would endeavor to soften his reply to the British Court. Merry thought that in view of the condition of Spain Floridablanca would not suffer the matter to come to extremities.[c]

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[a] Minutes of the supreme junta of state, March 22, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[b] Report of Valdez to the supreme junta of state, dated March 28, presented March 29, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[c] Narrative of the Negotiations between England and Spain, 17.

At the next junta, which was March 29, the minister for marine presented another report. This was dated March 28 and was embodied in the minutes of the session of the following day. In it Valdez says that in consequence of the reply which the junta of one week before had agreed should be sent to the Court of London by Floridablanca, and in compliance with the precautionary measures which the department of marine was ordered to take in the Indies and in Spain, he had proceeded promptly, with His Majesty's approval, to execute the orders which follow in the report. Vessels were to be armed at once in Ferrol, Carthagena, and Cadiz, and, the real purpose being kept as secret as possible, a sufficient number were to be collected at the last-named port to form a respectable squadron for use in case later occurrences should make it necessary. The vessels that needed it were to be cleaned and repaired as rapidly as possible. Those out of port were to be detained under arms at Cadiz when they returned. Provisions were being collected. The officials of Havana, Santo Domingo, Porto Rico, and Trinidad were ordered to strengthen their positions. At the same session Floridablanca read the reply which Campo, the ambassador at London, was to present to the English Ministry.[a] The contents of this reply will be examined presently.

This glimpse into the inner workings of the Spanish Cabinet reveals a warlike activity. But externally every possible effort was made to maintain a peaceable demeanor. Floridablanca made especial efforts to keep the British chargé in the dark and quiet any alarm which the warlike rumors might arouse. According to the dispatches of the Prussian ambassador, Sandoz, to his Government at Berlin, the Count—

> confided to Merry in the greatest secrecy the intelligence that French emissaries had scattered seditious pamphlets in Mexico and Havana, and thereby had stirred up the greatest possible ferment, which threatened an outbreak every moment. The King had concluded that the most efficacious measures must be taken with the greatest haste in order that these first dangerous agitations might be nipped in the

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[a] Minutes of the supreme junta of state, March 29, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) In these minutes is a Spanish rendering of the instructions sent to Campo. They will be studied in the form of a letter in French which Campo presented to Leeds.

bud, and consequently he had decided to employ his whole force against it if necessary. To make this seem more probable, he indulged in a tirade against the French Revolution.[a]

In dispatches of April 5 and 6 Merry told of the alarm in Spain and of the naval activity, but he still thought Floridablanca desirous of avoiding war if possible. The fleet of exercise which he had mentioned before was assembling at Carthagena.[b] April 12 he reported that the fleet of exercise had been ordered to Cadiz. Other ships were being armed in that port and the other two naval stations.[c] Three days later he reported as being fitted for immediate service at Cadiz 14 ships of the line, 10 frigates, and 2 sloops. He told of three treasure ships that had recently arrived from Spanish America with some 5,000,000 Spanish dollars on board.[d] On April 22 he wrote of still larger armaments. Twenty ships of the line were reported ready for service.[e]

Such was the tenor of the dispatches from Madrid arriving at London when, on April 20, Campo presented the second formal note from the Spanish Court on the Nootka Sound controversy. This embodied the reply agreed upon in the sessions of the Spanish junta of March 22 and 29. It is as follows:[f]

My Lord: Having given an account to my Court of the reply which your excellency was pleased to make on the 26th of last February to my memoir on the detention in the port of Nootka of an English packet boat naemd the *Prince of Wales*,[g] in consequence I have received an order to inform the Ministry of His Britannic Majesty as follows: In spite of the incontestable rights of Spain to exclusive sovereignty, navigation, and commerce, founded on the most solemn treaties, on the discovery of the Indies and the islands and the continent of the South Sea, on ancient laws, and on immemorial possession, which rights this Crown has continually exercised over the territories, coasts, and seas above mentioned, including the right always exercised of capturing transgressors—[in spite of all this] the Viceroy of Mexico, as appears from the latest information, has already liberated the above-mentioned English vessel and crew. He did this because he was convinced that nothing but ignorance of the rights of Spain could have encouraged the individuals of any nation to resort to those places with the idea of establishing themselves or of carrying on commerce there. The Viceroy also had at hand positive orders which had been given to him instructing him to have all possible regard for the British nation and to avoid even the least act that could disturb the good harmony and friendship which happily subsists between the two Courts. For these reasons, and in order to give a further proof of the King's desire to preserve and strengthen this friendship, His Majesty understands and considers this affair as closed, without entering into disputes or discussions over the indubitable rights of this Crown. His Catholic Majesty flatters himself that the British King will order all of his subjects to respect these rights, as I had the honor of setting forth and recommending to your excellency formerly.

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[a] Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Rev., 287. This is based on a dispatch of April 19 from Sandoz. The author says that not only Merry but even Sandoz, who knew Floridablanca's character so well, believed this. Shortly afterwards the Prussian ambassador considered everything so peaceable that he left his post for a time, turning over the business to his attaché, "a condition," says the author, "to which is due the fact that we are less exactly informed concerning the further progress of these important negotiations."

[b] Narrative of the Negotiations between England and Spain, 18–20.

[c] Id., 36–38.

[d] Id., 39.

[e] Id., 69.

[f] Not before published, though later memoirs give a partial account.

[g] An error. Colnett's license was for the *Prince of Wales*. (See Chapter II.)

It is with the most respectful sentiments and the most constant attachments that I have the honor, etc.,

THE MARQUIS DEL CAMPO.

His Excellency M. the DUKE OF LEEDS.[a]

The tone of this letter explains the feverish preparations for war which the Spanish Court began as soon as the reply was decided upon. It ignored the demand for satisfaction, the granting of which the English reply of February 26 had made the indispensable condition of further negotiation. It assumed that Spain was right and England wrong. It distinctly avowed the seizure and made the release an act of pure generosity. As justification, it asserted the most extensive claims to exclusive dominion. It renewed the former demand that England prevent her subjects from infringing upon that dominion. To support the positive position taken, Spain was making extensive preparations for war. If granting the first Spanish demand would have been incompatible with British pride, yielding to the second would have been inconsistent with British honor. Only one answer could have been expected from the British Court.

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[a] MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291. The same with slight modifications is to be found in Narrative of the Negotiations between England and Spain, 20. But this work is so rare that it is little more accessible than the manuscripts. Muriel, Historia de Carlos IV, I, 109, mentions this letter.

Shortly after the presentation of the above Spanish memorial an event occurred which greatly influenced the British Cabinet and made them urge their demands more vigorously. This was the arrival of Meares. He came just at the opportune moment. The blood of the English ministers was already up. In the absence of any authentic account to the contrary, they accepted the exaggerated statements of Meares. The foreign office "Narrative" says:

> From him a more full and probably a more authentic account of this transaction was obtained than had already been in possession of Government.[a]
>
> His Majesty's ministers, who till now had proceeded with that caution which the uncertain nature of the intelligence they had received rendered essentially necessary, no longer having room to doubt of the insult offered to the British flag, and the injury sustained by British subjects from the unwarrantable and unprovoked hostility of the Spanish commander, lost no time in taking those measures which were best calculated to vindicate the honor of His Majesty and the British nation.[b]

This event with the arrival of the reports from Merry, mentioned above, caused the British Government to turn its most serious attention to the Nootka business.

At a cabinet meeting held in the night of April 30 the following recommendations to the King were agreed upon, and submitted by Grenville to George III the next day:

> Upon consideration of the information which has been received from Mr. Meares of the detention and capture of several British vessels at Nootka Sound, on the coast of America, and of the circumstances of that transaction, as also of the papers which here have been delivered by Monsieur del Campo relative thereto, Your Majesty's servants have agreed humbly to submit to Your Majesty their opinion that Your Majesty's minister at the Court of Madrid should be instructed to present a memorial demanding an immediate and adequate satisfaction for the outrages committed by Monsieur de Martinez; and that it would be proper, in order to support that demand and to be prepared for such events as may arise, that Your Majesty should give orders for fitting out a squadron of ships of the line.[c]

In a note of May 1 the King asked whether a press would be necessary for equipping the proposed squadron. The next day Grenville replied that the Cabinet thought a press necessary and that it should take place Tuesday night, May 4, between 12 and 3 o'clock, as that time would create least observation. The same day that Grenville's note was written the King answered it requesting a privy council for the next day, May 3, to consider the arrangements for the press. The council was to be composed of the cabinet ministers, as the more secret the business could be kept the more possibility there would be of collecting some seamen in the first attempt.[a]

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[a] Narrative of the Negotiations between England and Spain, 24.

[b] Id., 35.

[c] Grenville to George III, May 1, 1790, inclosing cabinet minute of April 30, 1790. (Fortescue MSS. I, 579; Hist. MSS. Com. Report, 13, App. 3.) This gives the names of the seven cabinet members who were present.

After these days of martial activity in the British Cabinet Leeds replied to Campo's letter of April 20. He informed the Marquis, May 5, that the unsatisfactory answer which the latter had been instructed to make to the English demand for satisfaction made it necessary for His Majesty to direct his minister at Madrid to renew the representations. Owing to this change in the seat of negotiations, Leeds said it was impossible for him to enter into the particulars of Campo's letter. He concluded:

> I can therefore at present only observe in general to your excellency that although on cases properly stated it will be His Majesty's desire—which he has manifested in repeated instances—to take any measures necessary for preventing his subjects' interfering with the just and acknowledged rights of Spain, he can never in any shape accede to those claims of exclusive sovereignty, commerce, and navigation to which your excellency's representations appear principally to refer; and particularly that His Majesty will consider it his indispensable duty to protect his subjects in the enjoyment of the right of carrying on their fisheries in the Pacific Ocean.[b]

Each nation stood firmly on the ground originally taken. Each had made its first demand apparently expecting immediate compliance. When such was stubbornly refused each suspected that the other had some ulterior end in view and was using the matter in hand only as a pretext. The misunderstanding arose over the fact that neither the Briton nor the Spaniard could understand the mental attitude of the other regarding the matter in dispute. The Spanish mind had for centuries been accustomed to think of the

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[a] George III to Grenville, May 1; Grenville to George III, May 2, and George III to Grenville, May 2. (Fortescue MSS., I, 579, 580.)

[b] Leeds to Campo, Whitehall, May 5, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) In English and apparently the original. Muriel, Historia de Carlos IV, I, 110, reviews this reply briefly.

American continent as the exclusive possession of Spain. The accident that had given a portion to Portugal, when the Pope drew his arbitrary line between the dominions of the two maritime nations, was accepted without question by the abnormally religious mind of the Spaniard. That Spain had yielded the bleak northern shore of the Atlantic was of little consequence, since she retained the sunny southern portion, where, alone, the Spaniard could feel at home. With the exception of Portugal's comparatively insignificant holding, Spain still possessed practically the whole of both Americas south of the northern line of Florida and west of the Mississippi River. That Russia had recently settled on the icebound coast of the far-away northwest was hardly known and less to be regretted. Being accustomed to think of America thus, the Spaniard could not conceive that anyone else would dare to infringe on his right. Little was known in Spain of the colonial development of England and the new principles on which it was based, namely, that unoccupied land anywhere on the globe was the legitimate possession of any nation that would occupy and develop it, and that no other nation could resist such occupation by the mere assertion of an ancient shadowy claim that had never been made good by actual settlement. The Briton was too accustomed to this view to believe that anyone would still advance in good faith the antiquated notion that any real right could be conferred by the gift of a Pope, who, he believed, had no more authority to make such gifts than any other individual, or that a claim not made good by occupying and developing would be seriously urged. It was impossible to reach a harmonious agreement. One party would have to yield.

From this time onward negotiations were conducted at Madrid instead of at London as hitherto. The British minister to the Court of Spain, Alleyne Fitzherbert, had not yet gone to take charge of his post. Affairs were in the hands of the chargé, Merry. Fitzherbert was now dispatched to Madrid.[a] No communication of importance passed between the two Courts until his arrival. In the meantime each Government was putting forth its utmost efforts to raise its naval force to the highest possible efficiency. During the same time the diplomacy of each country was directed toward strengthening its European position by calling on its allies for assurances of support. The outcome of these efforts influenced, considerably, the course of the main negotiation. Besides this influence much of the interest and importance of the controversy lies in the effect of these by-negotiations on France, the country chiefly involved in them. They will be studied in the next chapter.

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[a] Narrative of the Negotiations between England and Spain, 44.

CHAPTER VIII.

EUROPE PREPARES FOR WAR.

Until the first week in May the negotiations regarding the Nootka Sound dispute were conducted with the greatest secrecy in both countries. The public, especially in England, did not so much as know that there was any serious question pending between the two Crowns. There were general rejoicings over the prospect of a long period of untroubled peace. The consternation that ensued may be imagined when, on the morning of May 5, England awoke to the fact that in the darkness of the preceding night sailors had been seized in every port and were being pressed into the navy for immediate service. The excitement in London is reflected by the following extracts from a diary. The writer was an ex-governor of Canada, and was living in retirement at London. According to his entry for May 5, a note just received informed him that "during last night all the sailors on the Thames had been pressed, and that war was on the point of being declared against Spain, which had seized five of our ships near Cooks River; and the funds had fallen 3 per cent." This indicates that the financial pulse was decidedly unsteady. The depression seems to have continued for at least ten days. At the end of that time the same writer entered in his diary: "Opinions are still divided as to whether there will be a war or not. The funds begin to rise." On this day he had invested $3,000 in bonds.[a]

On the day following the press a message from the King was read in both Houses of Parliament. This explained why the Government had taken such an extraordinary step. The King declared that two vessels whose nationality had not been fully ascertained and two others known to be British had been captured at Nootka Sound by an officer commanding two Spanish ships of war. He told how the cargoes had been seized and the officers sent as prisoners to a Spanish port. He related briefly the correspondence with the Spanish Court, then told how that Court had refused the satisfaction demanded and had asserted a claim "to the exclusive rights of sovereignty, navigation, and commerce in the territories, coasts, and seas in that part of the world." His minister at Madrid was to renew the demand for satisfaction. Having learned of considerable armaments in Spain, he had judged it necessary to arm in turn "in support of the honor of his Crown and the interests of his people." He appealed to the Commons for the necessary support. He hoped that the affair might be terminated peaceably, and in such a manner as to remove grounds for misunderstandings in the future.[a]

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[a] Haldimand's Diary, May 5 and May 14, 1790. (Canadian Archives, 1889, p. 281 ff.) A letter from London of May 7 in Gazette de Leide, May 14, 1790, says: "Les fonds, depuis le message du Roi, ont continué de baisser."

The next day, May 6, the matter was discussed in Parliament. Pitt opened the debate in the lower House by moving an address of thanks for the King's message. He recited the facts briefly, asserted England's right to fisheries and commerce in the districts in question, and showed that Spain's extravagant claims would entirely exclude England from that ocean, if they were allowed. The settlement of this dispute would establish a precedent for all the future. The insult to the British flag lay in two facts—first, the seizure had been made in time of profound peace; secondly, goods had been confiscated without condemnation.[b] Government hoped yet to settle the dispute peaceably, but it was necessary to increase the armaments in order to treat with Spain on an equal footing. The opposition led by Fox agreed that the address should be voted and the armaments approved; but they criticised the ministry for having so recently held out hopes for continued peace when a matter of such importance was pending. This reference was to statements made by Pitt in his budget speech of April 19. The minister answered that the facts were not all known at that time; and besides, he had made no promise of the continuance of peace, but had said that the existing prosperity was due to the happy interval of peace and that if peace should continue prosperity would increase.

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[a] Parl. Hist., XXVIII, 765; also Annual Register, XXXII, 285. The latter work incorrectly gives the date May 25. This error is repeated in many of the books that treat of the subject, since this work has been the chief source.

[b] This statement was true as far as the English knew or could know, but there was at least an attempt to justify the procedure. Martinez took goods from the captured ships and applied them to his own use, but made provision for their restoration in Mexico. (See Chapter V.) A schooner had been appropriated to the Spanish service with no show of justice.

From the facts presented in the preceding chapter it is known that the criticism was unjust. Until April 21 the ministry had had no communication from Spain except the note of February 10. Only one ship was known to have been captured, and that only through the information furnished by the Spanish Court in that note. Merry had reported rumors of Spanish naval preparations, but had at the same time given quieting assurances. Shortly after the budget speech came the Spanish memorial of April 20, distinctly avowing the seizures and asserting the Spanish pretensions; then came exact information from Merry of extensive Spanish armaments; and last and most important came Meares with his exaggerated stories of Spanish cruelty and injustice, revealing the true number of seizures and overrating the losses. It was urged more properly that the English Government was unjust in demanding the restoration of the ships and satisfaction for the insult before discussing the respective rights. This, it was said, was begging the question.

Notwithstanding these criticisms the address was carried unanimously. The measures taken by the Government were confirmed, the armament was approved, and the support of the Commons was assured. After a similar debate in the Lords on the same day the ministry was supported with the same enthusiasm.[a] The entry in the diary of Gouverneur Morris, who was then in London as the semiofficial agent of the United States Government, tells of the animated debate in the Commons, of the enthusiastic support accorded to the ministry, and of the avowed determination to obtain from the Spanish Court an acknowledgment that Spain is entitled to no part of America except such as she occupies.[b] The assurance of the Commons was followed up on June 10 by a vote of credit for £1,000,000 "to enable His Majesty to act as the exigency of affairs might require."[a] Orders were at once given for the equipment of a fleet to consist of 14 ships of the line, besides smaller vessels. This was soon increased. The press was prosecuted vigorously and with success in all ports.[b] Vancouver's work speaks of "the uncommon celerity and the unparalleled dispatch which attended the equipment of one of the noblest fleets that Great Britain ever saw."[c] Public excitement was wrought to the highest pitch. Pamphlets were issued in the form of addresses to the King, setting forth the extravagance of the Spanish claim to exercise control over the whole Pacific Ocean, and enlarging on the magnitude and promise of the frustrated English enterprise. All the forces of national pride, prejudice, and patriotism were united to arouse hatred for the Spaniard. Indignant orators dwelt on memories of Papal anathemas, the Holy Inquisition, and the Invincible Armada.[d]

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[a] Parl. Hist. XXVIII, 766–782. The address of the Lords with the incorrect date, May 26, is given in the Annual Register, XXXII, 286.

[b] Morris, Diary and Letters, I, 325.

At this juncture it is interesting to note again the relations between Pitt and the South American agitator, Miranda. Attention was called above to conferences between them shortly after the Spanish note of February 10 was delivered to the British Court. Nothing seems to have passed between them after that time until the second Spanish note arrived. At 9 o'clock on the evening of May 6, the day of the debate in Parliament just studied, Miranda again met Pitt on the latter's invitation. Grenville was present also. They had a long conference "upon the subject of a war with Spain, in consequence of the occurrences at Nootka Sound, the disposition of the people in South America toward joining the English for their independency against the Spaniards," etc. Pitt thanked Miranda for the papers which he had sent, and showed them to him. The minister was taking them to a meeting of the Cabinet. New assurances were given of the execution of Miranda's plans in case of war. Various interviews took place between them during the time that the great armament and the Spanish negotiations were in progress.[a] The fact that Pitt was taking Miranda's papers to a cabinet meeting just at this time is unmistakable evidence that his plans were being seriously considered.

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[a] Parl. Hist., XXVIII, 784.

[b] Letter from London, May 7, in Gazette de Leide, May 14, 1790.

[c] Vancouver, Voyages, I, 48.

[d] See Dalrymple, The Spanish Pretensions fairly discussed, London, 1790; also [Etches], An Authentic Account of all the Facts Relative to Nootka Sound, etc., London, 1790. Meares's Memorial was also made public.

There were attempts on the part of the opposition to censure the ministry for their conduct of the Spanish business. On May 10, in debating the motion for the vote of credit, Fox called for the date of the first communication from Spain on the affair. This was not revealed.[b] On the next day there was an attempt to learn whether the proposed settlement at Nootka was "undertaken under the sanction and authority of Government, or merely as an enterprise of private persons." The motion was defeated, but Pitt declared that licenses to trade at Nootka Sound had been granted; and whether this particular undertaking was or was not a public enterprise it was incumbent on the honor of the country to demand satisfaction. He said that the "Memorial" of Captain Meares would put the House in possession of all that Government knew on the subject.[c] On May 12 there was a spirited debate on a motion calling for the papers relative to the dispute, but the demand was successfully resisted.[d] On the following day a motion by the opposition, calling for information regarding the appointment of ambassadors to Spain since the peace of 1783, was not resisted by the ministry.[e] A week later the information obtained was discussed. During the seven years there had been a resident ambassador at Madrid only thirteen months, though there had been four appointments and upward of £35,000 had been appropriated for their support. It was explained that these conditions were mostly due to Spanish delays and etiquette; that although an ambassador had not been present yet a chargé had been there all the time, and British interests had not suffered. The motion was for an address asking the King to provide for the performance in the future of the duties of ambassadors to foreign courts. It was defeated.[a] There was no further Parliamentary activity of importance on the matter before the session closed on June 10.[b]

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[a] Miranda to Pitt, September 18, 1791. (Am. Hist. Rev., VII, 712.) Haldimand's diary during May and June, 1790, confirms Miranda's statements of his intimacy with the governmental authorities. The writer makes frequent mention of being with the King, with Grenville, and of being consulted on Canadian affairs, showing that he was intimate in Court circles. During the same months he speaks frequently of Miranda's being with him, dining with him, driving with him, etc. (See Can. Arch., 1889, p. 281 ff.)

[b] Parl. Hist., XXVIII, 784.

[c] Official Papers relative to the Dispute between the Courts of Great Britain and Spain, 42.

[d] Parl. Hist., XXVIII, 805.

[e] Id., 807.

While England was making these vigorous preparations at home she was calling for support in every place from which she had a right to expect aid. At the same time she was taking steps to put every portion of her wide dominions in a state of defense. Ireland was called upon to restrain shipments of provisions to Spain, and also to recruit forces for the West Indies. The lord lieutenant agreed, with some qualifications, to carry out both measures.[c] The commander at Gibraltar was warned of his danger. The governor of that port, who was visiting in England, was ordered to return to his post. A regiment of foot was to embark immediately to reënforce the garrison.[d] Notices were sent to the governors of Barbados, St. Vincent, the Leeward and Bahama Islands, Dominica, Cape Breton, and Nova Scotia. They were ordered to expedite works of defense, to report on their forces, and to keep a watch on Spanish and French movements. Four regiments of foot and two ships of war were ordered to the West Indies.[e] Three ships of war, with reënforcements and provisions, were sent to India, with instructions to prepare an expedition to seize Manila or the west coast of America should orders come to that effect.[f] The governor of Canada, about to return to England, was ordered to remain and prepare the forces of Canada for any exigency that might arise. He was to cultivate the friendship of the United States and to adopt every means in his power for influencing the Americans in favor of Great

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[a] Parl. Hist., 815–822.

[b] Id., 875.

[c] Grenville to Westmoreland, May 3, May 7, and May 9; and Westmoreland to Grenville, May 10 and May 14. (Fortescue MSS., I, 580–584.)

[d] Narrative of the Negotiations between England and Spain, 56. These orders were given May 6.

[e] Narrative of the Negotiations between England and Spain, 59–62. These orders were given May 6 and May 22.

[f] Id., 62–65. Orders dated May 12.

Britain and preventing their union with Spain.[a] These interesting Canadian overtures will be fully discussed later. It was suggested to the King that he use his Hanoverian troops to augment the garrison at Gibraltar. He favored the measure, and took steps for carrying it out.[b]

Besides this aid from her dependencies, England also claimed the support of her allies under the triple alliance of 1788. Since the war promised to be almost wholly naval, the friendship of the Netherlands with her fleet would be of great value. On May 4, the day before the English preparations were made public, Leeds wrote to Lord Auckland, the British ambassador at The Hague, asking him to communicate the matter to the Dutch Government. His Britannic Majesty relied on the justice of his cause, and had no doubt that the Dutch Republic would approve, and, if it should become necessary, furnish him support under the treaty.[c] In a private letter of the same date Leeds asked that before demanding aid under the treaty Auckland ascertain whether the Dutch Government would fit out a number of vessels and furnish them to England at English expense.[d] In less than ten days an answer had arrived, saying that Holland was ready to support England and that any or all of the Dutch ships of the line might be put at the disposal of Great Britain at British expense.[e] On May 15 Auckland sent a statement of the terms on which these vessels would be furnished.[f] Three days later Leeds replied that the terms were so favorable that Auckland was authorized to accept them at once and promote with the utmost expedition the equipment of 10 sail of the line.[g] Still further assurances of Dutch friendship and generosity were given. On May 31 the States General passed resolutions refusing to accept the English subsidies, and taking upon themselves the entire expense.[h] Everything being in readiness and the English Government having requested the movement, the Dutch fleet, under Admiral Kinsbergen, left the Texel on June 17 and joined the English fleet at Portsmouth three weeks later.[a]

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[a] Id., 57. Orders dated May 6. See also Can. Arch., 1890, pp. 130–133.

[b] Grenville to George III, May 25, and George III to Grenville, May 26. (Fortescue MSS., I, 586, 587.)

[c] Leeds to Auckland, May 4, 1790. (Brit. Mus., MSS. 34431, f° 67.)

[d] Leeds to Auckland, May 4, 1790 (private). (Brit. Mus., MSS. 34431, f° 81.)

[e] Narrative of the Negotiations between England and Spain, 70.

[f] Auckland to Grenville, Hague, May 15, 1790. (Fortescue MSS., I, 585. See also work last cited, 95–97.)

[g] Leeds to Auckland, May 18, 1790. (Brit. Mus., MSS. 34431, f° 195. See also Narrative cited above, 97.)

[h] Narrative of the Negotiations between England and Spain, 100 ff.

The third member of the triple alliance, Prussia, was at the same time called upon for support. On May 20 Hertzberg, the Prussian minister, handed an answer to Ewart, the British ambassador at Berlin. The Prussian King approved the measures of England and pledged himself to fulfill his engagements in case the contest with Spain should render it necessary. Hertzberg suggested that it was impossible to suppose that Spain would think of embarking on a war with such disadvantage without having a motive other than that alleged. He said that there were positive indications that an alliance was being negotiated between Spain, Russia, and Austria to which Denmark was to be asked to accede. These indications made it necessary for the three allies to be in perfect accord. He referred to Prussia's very grave discussions with the Courts of Vienna and St. Petersburg and claimed English support in case it should be needed in that business.[b] Thus the Nootka Sound dispute was drawn into the general current of European politics and was destined to have an indirect influence on the Polish and Turkish questions. More will be said later regarding these matters.

While England was meeting with such decided success in her demands on her allies, Spain was also looking for support outside her own borders. Her chief reliance was on France. For nearly thirty years the two countries had been intimately united under the family compact. This was concluded in 1761, during the Seven Years' war, when France was fighting a losing battle. The farsighted Charles III, who had then recently ascended the Spanish Throne, saw in a close union between the Bourbon Monarchies a prospect for ultimate gain to his Kingdom in spite of the fact that he could hope for little at the time. He hastened nobly to the rescue and generously shared the defeats and losses of France. When Louis XVI entered the contest in behalf of the American colonies in their struggle against the mother country, Charles III, true to the family compact, followed his ally into the war which ended in the glorious peace of 1783. When in 1790 Spain was threatened by war with England, she naturally turned to France, whom she had twice assisted against this same foe. But the advances were made with serious misgivings on account of the turbulence in France, which was threatening to overturn the monarchy.

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[a] De Jonge, Geschiedenis van het Nederlandsche Zeewezen, V, 119–120.

[b] Hertzberg to Ewart, Berlin, May 20, 1790. (Brit. Mus., MSS. 34431, f° 205.) Stanhope's Life of Pitt, II, 551, mentions the Prussian and Dutch assurances of friendship.

For a year the utmost confusion had prevailed in Paris and throughout the country. The oppressions of the feudal régime, wasteful methods of taxation, and financial mismanagement had combined to reduce the Government to a state of bankruptcy. Finally, Louis XVI had yielded to the universal clamor and called the States-General. In May, 1789, after a recess of a hundred and seventy-five years, they had assembled at Versailles. After a deadlock of nearly two months the privileged orders had been compelled to yield to the demand of the third estate and meet in a common body—the National Assembly. In the middle of July, the Parisian mob had razed the Bastille, which they looked upon as the symbol of arbitrary government. A little more than a fortnight later the nobles in the National Assembly had bowed before the coming storm and voluntarily laid down their feudal privileges. Rightly interpreting these events as an acknowledgment of impotence on the part of the old régime, the proletariat in the cities and the peasants in the country had arisen everywhere, murdered the governmental officials, and burned and pillaged the castles of the nobles. As a result of the frightful events of the early days of October, the mob had carried the royal family in triumph to Paris, and the National Assembly had followed shortly after. Both were thenceforward virtually the prisoners of the Parisian populace. The power of the Monarchy had ended. Under the spell of Jacobin orators the Assembly was wasting its time in the fruitless discussion of constitutional principles, and leaving the country to ruin and anarchy. This was the condition of France in the summer of 1790.

As early as January 20, the day on which Floridablanca wrote his instructions to Campo in London—which instructions the latter embodied in his drastic note of February 10 to the British Court—the Spanish minister had also written to Montmorin, the French minister for foreign affairs. In this letter he made no mention of the Nootka Sound episode nor of the haughty demands which he was making on England the same day. But he expressed pity for France and her King, and complained that in the existing circumstances that country was not in a condition to unite with Spain as she should. He feared that their enemies would take advantage of the embarrassing position.[a] Though he said nothing about it, Floridablanca was evidently thinking of the possible consequences of his harsh demand. After the warlike sessions of the junta of state, mentioned in the previous chapter, and after the second note to the British Court had been sent, Floridablanca made indirect overtures to France for assurances of support. This was in a letter of April 6 to Fernan Nuñez, the Spanish ambassador in Paris. He suggested that in the absence of French support it would be necessary for Spain to look to other powers. Russia he thought most likely to furnish aid.[b] No formal demand was made in this communication, but it seems that the Spanish ambassador made some advances to the French Court. On May 11 Fernan Nuñez wrote of a conference which he had had with Montmorin. The latter had promised to propose an armament. Luzerne, the French minister for marine, had told of the number of vessels available. Montmorin had suggested that in case of war the allies should disembark 50,000 men in England and should revolutionize Holland. The French minister had asked for information concerning the origin and progress of the dispute with England.[c]

In the conversation just referred to Montmorin had told the Spanish ambassador that the Constitutional party in France suspected Vauguyon, the French ambassador at Madrid. They thought that he had induced the Spanish Government to stir up the quarrel with England in order to involve France as the ally of Spain. They suspected that this was being done in the hope of strengthening the French royal power, and so bringing about a counter revolution. This suspicion grew so strong that Montmorin, as a concession to the radical element, recalled Vauguyon. The Spanish King refused to grant him a letter of dismissal or to recognize anyone as his successor.[a]

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[a] Floridablanca to Montmorin, January 20, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The same is published in Calvo, Recueil Complet des Traités de l'Amérique Latine. III, 341. . This author quotes it from Cantillo, Coleccion de Tratados de España. See p. 366 ante note [c].

[b] Floridablanca to Fernan Nuñez, April 6, 1790; Calvo, Recueil Complet des Traités de l'Amérique Latine, III, 342.

[c] Fernan Nuñez to Floridablanca, Paris, May 11, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

As Montmorin had promised the Spanish ambassador in the above-mentioned conversation, the French Government immediately took steps toward an armament. On May 14 a letter from Montmorin to the president of the National Assembly informed that body that the King had given orders for the armament of 14 ships of the line. Assurance was given that it was only a precautionary measure in view of the English armament. The King would do all that he could to promote a friendly adjustment between the Courts of London and Madrid. He hoped that France would not be involved in war. The English Court had made friendly declarations and had stated that the only cause for armament was the dispute with Spain.[b] It was not wise, however, to remain disarmed under such circumstances. France ought to show to Europe that her constitution was not an obstacle to the development of her forces.[c]

Montmorin's message precipitated the famous discussion as to whether the right to make peace and war should rest with the King or the people. This discussion is probably better known than the Nootka Sound dispute which occasioned it. The consideration of the message was made the order of the day for May 15, the day following its presentation. Biron, the first speaker, declared that the prosperity of France was closely bound up with that of Spain. Spain had been a generous ally of France in the past. The representatives of the people ought to respect the obligations of the nation. "Let it not be said," he declared, "that the efforts of a free people are less than those of a despotism." After a brief enthusiastic speech he moved a decree approving the measures taken by the King. Alexander Lameth declared, amid great applause, that the first question to be considered was whether the sovereign nation ought to concede to the King the right to make peace and war. There was an attempt to postpone this question, but Barnave declared that when it should be demonstrated that effects ought to precede their causes then it would be proved that the question proposed by Lameth should be considered last. Robespierre said that the time to judge of a right was when they were deliberating on the exercise of it. Baron Menou said that the right of making peace and war should be determined first, then they ought to learn which nation was in the wrong. If Spain, she ought to be persuaded to yield; if England, then France should arm not merely 14 vessels, but all of the forces on land and sea, and compel submission.

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[a] This episode of the recall of Vauguyon is treated at length by Grandmaison, L'Ambassade Française en Espagne pendant la Révolution, 21 ff. This author thinks that the suspicion originated with British emissaries in Paris, who wished to produce an estrangement between the Courts of France and Spain. This was, at least, its result. He quotes several letters that passed between Louis XVI and Charles IV regarding the matter. The Spanish King's attitude unfortunately made it seem that there was some ground for the suspicion of Vauguyon. The French Court was considerably embarrassed thereby. There seems to be no doubt of the fact that Vauguyon was innocent, at least in so far as any complicity with the French Court was concerned.

[b] On May 7 the British Court had given orders to Lord Robert Fitz Gerald, chargé at Paris, to make this explanation to Montmorin. (See Narrative of the Negotiations between England and Spain, 68.)

[c] Arch. Parl., first series, XV, 510, session for May 14, 1790.

Mirabeau declared that it was unreasonable and irrelevant thus to elude the question. The message, he continued, had nothing in common with a declaration of war. Jurisdiction in times of danger ought always to be in the King's hands. The vessels were to be armed only because England was arming. The armament was not dangerous, and to deny it would cause commercial discontent. The only question, he said, was whether the funds asked were necessary. He declared that they were, and called for the immediate consideration of the message. He proposed to approve the measures of the King and to order by the same decree that to-morrow they take up the discussion of the constitutional question, Shall the nation delegate to the King the exercise of the right of peace and war? His proposition was adopted almost unanimously.[a]

Thus after some hesitation over the theoretical consequences the armament was approved as enthusiastically as Spain could expect or desire. The debate in the Assembly has no further importance for the Nootka question. It would be of little interest and less value to follow the metaphysical discussions of the constitutional question. The final decision is of some interest. The debate occupied nearly the whole of each morning session for six days. In the end Mirabeau prevailed again. He had taken a middle ground. It was decreed that the right of peace and war belonged to the nation; that war could be declared only by a decree of the legislative body, but that this step could be taken only on a formal proposal by the King, and must be sanctioned by the King subsequently.[a]

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[a] Arch. Parl., first series, XV, 515–519 (May 14, 1790); Willert, P. F., Mirabeau, 164–170; Lomenie, Les Mirabeaus, V, 144–149; Stern, Das Leben Mirabeaus, II, 151–164.

A few days after the Assembly had approved the armament Montmorin wrote to Floridablanca. He hoped that the armament would recall England to a proper tone and that the difficulty might be settled amicably. Referring to Floridablanca's letter of January 20, in which the latter had complained of the inability of France to support Spain as she should, the French minister said that its statements were as forceful as they were true. The Spanish Government could count on the most sincere desire on the part of the French King to fulfill his engagements with Spain, but the will of the Assembly could not be depended on. If war should be decided upon, the difficulties would be incalculable. Peace, then, he concluded, ought to be the end of all their efforts.[b]

Subsequently, Luzerne, the minister for marine, made two reports on the extent of the armament and the increased cost. On June 13 the Assembly appropriated 3,000,000 livres to support it.[c] Up to the present point the attitude of France appeared to be all that Spain could wish, as far as could be judged from external appearances. But this armament was distinctly French. There was no assurance that the fleet or any part of it would be turned over to Spain if she should call for it under the treaty. But this seems not yet to have been asked.

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[a] Arch. Parl., first series, XV, 526-661 (May 16-22, 1790). Cambridge Modern History, VIII, 188, discusses briefly the debate.

[b] Montmorin to Floridablanca, Paris, May 21, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

[c] Arch. Parl., first series, XV, 705 (May 28); Id., XVI, 185 (June 12); Id., XVI, 206 (June 13).

On June 4 Spain attempted to set herself right in the eyes of all Europe by issuing a circular letter and sending it to all the Courts. This recounted briefly the origin of the dispute and the course of the negotiations, and attempted to show the unreasonableness of the English demands and their inconsistency with her treaty obligations. It set forth the Spanish claim in the most favorable light possible, basing it on treaties and the consent of nations.[a]

The formal demand from Spain for French assistance was made June 16. On that date the Spanish ambassador at Paris handed to Montmorin extracts from all the correspondence between Spain and England up to date. He inclosed with them an extended argument in support of the Spanish case. After elaborating the arguments he demanded French assistance under the family compact, and added that if it were not offered Spain would have to seek alliances elsewhere in Europe.[b] Ten days later Montmorin replied that the matter had been laid before the King, but in view of the decree of the Assembly relative to peace and war the Spanish demand would have to be submitted to that body. As soon as it had been acted upon a positive response would be given.[c] This reply had been delayed so long that the Spanish ambassador had become impatient. On the preceding day he had written again to the French minister demanding an early reply. Fitzherbert, the British ambassador, had already arrived at Madrid, he said, and it was necessary for the negotiation that Spain be assured of French support.[d] To this Montmorin answered that the King had not for a moment lost sight of the importance of the matter. Louis XVI had written to Charles IV regarding it.[e]

Notwithstanding the urgency of the Spanish ambassador and the willingness of the French King and his foreign minister, the Spanish demand was not laid before the

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[a] Annual Register, XXXII, 294. It is published under a wrong title and date.

[b] Id., 301. Same in Arch. Parl., first series, XVI, 503.

[c] Montmorin to Fernan Nuñez, Paris, June 26, 1790. (MS. Arch. Hist. Nacional, Sec. Estado, 4038.)

[d] Fernan Nuñez to Montmorin, Paris, June 25, 1790. (Ibid.)

[e] Montmorin to Fernan Nuñez, Paris, June 30, 1790. (Ibid.)

Assembly for more than six weeks after it was presented. During all this time Spain was kept in uncertainty as to whether she would receive from France the aid which she had a right to expect. Before the expiration of this time the diplomacy of Floridablanca and Fitzherbert had taken an important turn, though the dispute was still far from settled. The next chapter will follow the course of the main negotiation through this preliminary settlement.

CHAPTER IX.

ENGLAND'S FIRST DEMAND GRANTED.

While England and Spain were preparing for war at home and calling on their allies for support, their diplomatic representatives were endeavoring to reach an understanding. As stated above, the British Court had concluded to make no further effort to get satisfaction through the Spanish ambassador at London, but had sent its own ambassador, Fitzherbert, to treat directly with the Spanish Court. This step was decided upon during the exciting days immediately following the 1st of May. It was nearly the middle of June before Fitzherbert reached Madrid. In the meantime the British chargé, Merry, had been instructed to open the renewed negotiation by presenting to the Spanish Court a memorial setting forth at length the English contention. Leeds sent instructions for this on May 4.[a]

Having received this communication from Leeds, Merry obtained an interview with Floridablanca May 16. The Spanish minister was milder than usual, but still suspected that England meant to use the matter as a ground for quarreling. In an endeavor to remove this suspicion, Merry read to the Count his own secret and confidential instructions. Floridablanca observed that if England was really not attempting to force a quarrel the business might be amicably settled. In the evening, after the interview, Merry sent to the Spanish minister a copy of the memorial.[b] In a brief note accompanying it, he expressed great anxiety to quiet the alarm, and suggested dispatching to London at once a courier with pacific assurances from Floridablanca, if the Count felt like giving such.[c]

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[a] Leeds to Merry, May 4, 1790. (Brit. Mus., MSS. 34431, f° 75.)

[b] Narrative of the Negotiations between England and Spain, 106.

[c] Merry to Floridablanca, May 16, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

The British memorial declared that the last Spanish con munication[a] was unsatisfactory even as the transaction ha been stated in the former Spanish note.[b] No satisfactio had been offered for the insult to the British flag, and th ground stated for releasing the vessels was not justice, fro the English standpoint, but ignorance on the part of th English commanders and general regard for England o the part of the Spanish officials. Neither could Grea Britain admit the Spanish claim to exclusive rights o sovereignty, commerce, and navigation. Besides these rea sons, additional information had arrived[c] telling of mo than one captured vessel. It also appeared that the soil a Nootka had been purchased by a British subject and th British flag hoisted thereon. Merry was—

> to represent in the strongest manner to the Court of Spain that Hi Majesty has every reason to expect from the justice and wisdom o His Catholic Majesty not only the full and entire restitution of a the said vessels, with their property and crews (or of as many of the as shall, on fair examination of what can be alleged on both side be found to have been British vessels, entitled as such to Hi Majesty's protection), but also an indemnification to the individual concerned in the said vessels for the losses which they have sus tained by their unjust detention and capture, and, above all, a adequate reparation to His Majesty for an injury done by a officer commanding His Catholic Majesty's vessels of war to Britis subjects trading under the protection of the British flag in thos parts of the world where the subjects of His Majesty have an unques tionable right to a free and undisturbed enjoyment of the benefit of commerce, navigation, and fishery, and also to the possession o such establishments as they may form, with the consent of th natives, in places unoccupied by other European nations.

Assurances were given of pacific wishes on the part o England, but a speedy and explicit answer was demanded.

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[a] That of Campo to Leeds of April 20. (See Chapter VII.)

[b] Campo to Leeds, February 10. (Chapter VII.)

[c] Evidently that of Meares.

[d] British memorial of May 16, 1790. (MS. Arch. Hist. Nacional, Madrid Sec. Estado, 4291.) The reference cited in note [b] on the preceding page say that Merry sent with the memorial a copy of the original in English for fea of mistakes in the translation. The memorial in French and a copy in Eng lish are still to be found together in the archives.

Apparently no previous writer on the Nootka affair has seen this memoria nor any of the earlier documents. No reference is made to them except such as is drawn from later documents which give brief reviews of the earlier cor respondence. Bancroft (History of the Northwest Coast, I, 229, note 46 says: "Up to this point the correspondence is not, so far as I know, extant

In this memorial England renewed her demand for satisfaction for the insult to her flag, and added a demand that Spain indemnify the owners of the captured vessels. She also rejected absolutely the Spanish claim to exclusive sovereignty by asserting England's unquestionable right to unoccupied portions of the coast in question. Incidentally it is valuable as a declaration of Great Britain's position on the question of the rights of colonization.

Two days after receiving this memorial Floridablanca answered Merry's note which accompanied it. He gave the pacific assurances that the British agent had asked, but in general terms. In keeping with his peaceful professions he proposed a mutual and proportionate disarmament. He asserted that His Catholic Majesty knew of the capture of only one vessel; and it had been trading illicitly, at the time, in a place occupied by the Spanish.[a]

On the following day Merry replied, expressing his satisfaction with the pacific intentions of the Spanish Court. He said that he would gladly dispatch one of the English messengers with the Count's peaceful assurances.[b] Fearing lest Floridablanca meant this informal note as a reply to the British memorial of May 16, he gave the Spanish minister to understand that he still expected a formal reply.[c] The British messenger bearing the peaceful assurances left Madrid May 21[d] and arrived in London June 1. Since the reply contained nothing indicating that Spain would grant the English demands, the armaments were continued.[e] Another

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in its original form, but is only known from citations and references in later documents." For English and Spanish material the documents in the Annual Register seem to have been the only source used to any extent. In fact this work contains nearly all of the documents that have been published on the diplomatic phase of the incident. Greenhow has reprinted most of them in the appendix to his Oregon and California. Muriel, Historia de Carlos IV, I, 111, mentions this memorial.

[a] Floridablanca to Merry, May 18, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) Up to this time Floridablanca had evidently not read carefully all of the papers which he had received from the Viceroy five months before, or he would not have asserted that only one vessel had been seized unless, indeed, he was intentionally prevaricating. He seems to have become informed shortly after, for in his formal reply of June 4 he mentioned the *Princess Royal*.

[b] Merry to Floridablanca, May 19, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[c] Narrative of the Negotiations between England and Spain, 111.

[d] Letter from Madrid of May 25, Gazette de Leide, June 11, 1790.

[e] Work cited, note *c* above, 113.

messenger from Merry arrived in London ten days later with less pacific news. Floridablanca's language to the foreign ministers at Aranjuez showed that he still thought that England was determined to break with Spain. He looked on the English King's message to Parliament as almost equivalent to a declaration of war. England's advices to all settlements abroad increased his conviction. Her tone toward Spain he thought insufferable. He still desired peace, but feared that Spain would be driven to the necessity of defending herself. Not only had Floridablanca expressed himself thus to the foreign ministers, but he had made an appeal for money, and the bankers of Madrid had agreed to furnish some £4,000,000.[a]

Floridablanca's formal reply to the British memorial reached London June 15. Merry had received it from the Spanish Court on the 4th of the same month.[b] It declared that His Catholic Majesty would claim nothing but what he could base on treaty rights, on the consent of nations, and on immemorial possession. The discussions with the new ambassador would turn on these points. If Spanish subjects had gone beyond these rights they would be punished, and the injured parties would be indemnified. Spain did not mean to carry her claim to all of the South Sea, but only to "the Indian continent, islands, and seas, which by discovery, treaties, or immemorial possession have belonged and do belong to her by the acknowledgment of all nations." The Spanish King denied that Spain's not having settled any particular spot was a proof that it did not belong to her. Were this admitted, the Count argued, any nation might establish herself on the dominions of any other nation wherever there was not an actual establishment. This, he said, would be absurd to think of. Satisfaction and indemnification should rest on the question of right, which was to be settled by the negotiation.[c]

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[a] Narrative of the Negotiations between England and Spain, 113.

[b] [Floridablanca] to Merry, June 4, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) This is a brief note unsigned, but in the Count's handwriting. It states that he is sending to Merry a reply to the latter's of May 16.

[c] Narrative of the Negotiations between England and Spain, 115–119. The same is published in full in the Annual Register, XXXII, 292, under a wrong title. On the same day Floridablanca issued his circular note to all the Courts of Europe. (See Chapter VIII.)

This review of the essential points of the two memorials shows that the Courts were as far apart as ever. The conflicting colonial principles were clearly stated, and each nation stubbornly persisted in its own view. In his remarks on this communication Merry conceived that there was little or no room left to expect that any change would occur in the sentiments of the Spanish Court. He thought that the Spanish delay had probably been occasioned by the fluctuating advices from France. He could attribute the conduct of Spain to no other motive than a hope that her being attacked by England might put France under the necessity of engaging in the war.[a]

Fitzherbert conducted the English negotiations from this point. His record as a diplomat was already established. He had negotiated the treaty of peace with France and Spain in 1783. The next four years he had been envoy extraordinary to Russia. After that he had been for some time chief secretary to the lord-lieutenant of Ireland. He had also been made a member of the privy council. He left London May 9[b] and went to Paris, where he tarried for some time. His delay at this place was due partly to sickness, partly to his being engaged in making some representations to the French Court in connection with Fitzgerald,[c] and partly to his awaiting written instructions from London to govern him in his negotiations with Spain.[d] He reached Madrid June 9.[e] The next day he wrote a note to Floridablanca, who, with the whole Spanish Court, had gone to Aranjuez. This note announced his presence and his intention of reaching Aranjuez the same evening. It also inclosed his credentials signed by the English King.[a]

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[a] Narrative of the Negotiations between England and Spain, 119.

[b] Id., 72.

[c] Id., 83–90. In these pages is a discussion of the French attitude. Montmorin gave friendly assurances to the English representatives. The conflicting interests of the Government and the Assembly were discussed. On May 21 Earl Gower was sent as ambassador extraordinary to Paris. He was to reject mediation if offered. (See Id., pp. 91–94.) While in Paris Fitzherbert attempted to induce Lafayette and the Liberal party to support the English contention. He had failed to renew his acquaintance with Lafayette, but understood that the latter still wished to see free intercourse between the Spanish colonies and the nations of Europe, and believed that he would not acquiesce in a war undertaken on principles diametrically opposite. Fitzherbert to Pitt, Paris, May 20, 1790; (Smith MSS., Hist. MSS. Com. Rpt., 12, appendix 9, p. 367.)

[d] Id., 72–82. These instructions order the ambassador to be firm in his demands, but express a desire, apparently sincere, to terminate the difficulty amicably. In case of his hearing that Spain had forced a breach, he was to proceed no further without new instructions. If after reaching Madrid he should be ordered to quit the place, he was to go to Lisbon. If Spain should declare war, but not order him to leave, he was to await new instructions at Madrid.

[e] Id., 121.

The following day he had an interview with Floridablanca. Two days later, June 13, he received his formal introduction to the King and Queen.[b]

In their interview of June 11 Fitzherbert and Floridablanca exchanged views on the question in dispute. The former, conceiving that the memorial given to Merry on June 4 must fall short of His Britannic Majesty's just expectations, urged the latter to give him a more favorable communication. The latter insisted that the paper in question contained the utmost that Spain ought to grant. He declared that compliance with the British demand for satisfaction would invalidate the Spanish claims to sovereignty, rendering further discussion useless. Therefore the British demand and the Spanish claim, he maintained, ought to be discussed at the same time. He asked that Fitzherbert's statements should be presented in writing. Consequently, two days later the British ambassador sent a brief memorial presenting the British demand in language which makes it seem plausible. Stripped of its verbiage it declares that England desires a peaceable settlement, but that there can be no further negotiation until Spain shall have fulfilled three conditions: First, restored the vessels; secondly, indemnified the injured parties; thirdly, given satisfaction to the British sovereign for the insult offered to his flag. A declaration that the Spanish King would grant these demands would be accepted as ground for the negotiation.[c]

After this first exchange of views with the Spanish minister. Fitzherbert reported his observations to the British Cabinet. He thought that Spain was bent on war, and was refusing satisfaction in hope of inducing England to make reprisals which would serve as a pretext for demanding French aid. As to her motive, he thought that she certainly could not hope to regain Gibraltar or her West Indian possessions; and it could not be to counteract French revolutionary infection, for everything was quiet in Spain. He believed the real cause to be Floridablanca's suspicion that England had designs on the Spanish colonies. The Spanish minister seemed to count little on French aid, but to expect substantial help from the United States. Some advances had been made to that power, and Carmichael, the American chargé, was much caressed at Court. The American agent thought that his Government would not be favorable.[a] A few days later, Fitzherbert expressed his confidence that no encouraging communication had been received from America. On the contrary, there had recently been marked symptoms of coldness.[b]

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[a] Fitzherbert to Floridablanca, Madrid, June 10, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4245.) The credentials were dated Whitehall, May 7, 1790.

[b] Narrative of the Negotiations between England and Spain, 121, 123.

[c] Fitzherbert to Floridablanca, June 13, 1790. (Brit. Mus., MSS. 34431, f° 402.) The same is published in the Annual Register, XXXII, 298. The title to this, as well as to the two documents which precede it in the same work, is wrong.

The following comment on the unreasonableness of the English demand is to the point: "Es war das in der That eine eigenthuemliche Methode, Gewalt und Recht zu mischen, einer kuenstigen Eroerterung Alles vorzubehalten und zugleich das Resultat dieser Eroerterung zu anticipiren." (Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Revolution, 289.)

In answer to the British ambassador's communication of June 13, Floridablanca replied five days later that he could not consent to the principles which it laid down. However, for the sake of peace, he offered to make the declaration proposed, provided one of three explanations be added: First, the question of insult and satisfaction should be decided by the arbitration of a king of Europe, to be chosen by England; or, second, no facts should be admitted in the subsequent negotiation unless fully established by Great Britain; or, third, the satisfaction should not prejudice the rights of Spain nor prevent her from exacting equivalent satisfaction from Great Britain if it should be found that she had a right to do so.[c] In spite of the evident fairness of these proposals, they were not accepted. In reporting them to the British Court, Fitzherbert suggested that he considered them inadmissible. The English Cabinet seems to have agreed with him. This makes it appear that England was afraid to submit her case to the judgment of a third party, even though she had the privilege of selecting the judge. Further, she seemed unwilling to confine the negotiation to established facts, or to suffer the consequences in case the negotiation should show her to have been in the wrong. It appears that the English Court had decided to force from Spain once and for all an acknowledgment of the British principle of colonization. Nothing less would be accepted. It was this, and not simply justice, that she demanded.

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[a] Fitzherbert to Leeds, Aranjuez, June 16, 1790. (MS. from the public record office, London, Chatham MSS., bdle. 341.) The substance of the same, in Narrative of the Negotiations between England and Spain, 125.

[b] Work cited in last note, 146.

[c] Narrative of the Negotiations between England and Spain, 129.

For some time after this the British ambassador received no communication from the Spanish minister. This was partially accounted for by accident. On the same day that Floridablanca had written the document last studied an attempt was made to assassinate him. He was stabbed by a fanatical Frenchman. The wound was not serious. In letters of June 24 and 28 Fitzherbert reported that the Count still refused to see him on the pretense of indisposition, though he was transacting other business. The Spanish Court had assumed a more pacific attitude and seemed sincerely desirous of an accommodation. The delay was continued in hope that a reply would soon be received from London to the Spanish memorial presented to Merry June 4.[a]

The pacific intentions of the Spanish Court were further shown by the fact that orders had been given to the commanders of various ports to treat British war ships, which were hovering in the neighborhood, as they would be treated in a period of profound peace. Furthermore, in an informal interview of July 1, Floridablanca said that he had been busying himself on a plan for an ulterior arrangement which he thought would entirely fulfill the views and objects of both parties.[b] At a conference on July 10 the Count presented his plan. The essential points were: First, Spain should retain exclusive possession of the Northwest Coast up to and including Nootka; second, from Nootka to the sixty-first degree the two Crowns should have common rights, except that south of the fifty-sixth degree British influence should not extend beyond a certain distance inland; third, Great Britain should have the right of fishing in the

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[a] Narrative of the Negotiations between England and Spain, 145–149.

[b] Fitzherbert to Leeds, Aranjuez, July 1, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

South Sea and of landing and erecting temporary buildings in unoccupied places, though no English vessels should approach a Spanish settlement; and fourth, the mutual rights should not be discussed and the mutual demands for satisfaction should be waived, in which case Spain would pay the losses on ships taken at Nootka. Fitzherbert declared the plan inadmissible, but said that it might possibly be modified to make it acceptable.[a] This is interesting as foreshadowing in some respects the final settlement.

About the middle of July Fitzherbert received the English reply to the Spanish memorials of June 4 and June 18. Extended instructions were given to guide him in his communication to the Spanish Court. These had been sent from London July 5[b]. In obedience to his instructions, the British ambassador presented to the Spanish minister on July 17 a new memorial defining the British views on the point of satisfaction.

With the memorial he inclosed drafts of a proposed Spanish declaration and a British counter declaration which would be acceptable to His Britannic Majesty as affording the satisfaction demanded. The memorial declared that the Spanish communications did not contain the satisfaction demanded, nor was a plausible ground established for refusing the demands. To justify these demands it was urged that there had been no established possession of nor proved sovereignty over the Nootka region which could have justified the seizure of British vessels. For such justification there must have been actual possession and exercise of jurisdiction which had been recognized by other nations. From the representations of the Spanish Court itself, it appeared that the Spaniards had undertaken the occupation only a few days before the seizure of the vessels in question. English subjects had for many years previously frequented the place and had traded with the natives without interruption. Hence it was impossible for Spain to maintain her claim to exclusive jurisdiction. The simple restoration of the vessels was not sufficient. No reparation had been made for the insult to the British flag. "In consequence, His majesty finds it necessary to demand anew in terms most direct and least equivocal the satisfaction already demanded, and which can not longer be deferred without consequences which His Majesty desires ardently to avoid." As soon as this demand should be met England would be ready to treat with reference to rights of territorial possessions, commerce, navigation, and fisheries in that part of the world.[a]

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[a] Narrative of the Negotiations between England and Spain, 152.

[b] Leeds to Fitzherbert, July 5, 1790 (Brit. Mus., MSS. 34432, f° 32–36); Fitzherbert to Leeds, Madrid, July 15, 1790 (MS. public record office, Spain, XVIII, 159).

In his private instructions referred to above, Fitzherbert was told that the giving of satisfaction must amount to an admission that Spain was not in possession of an actual and known sovereignty at Nootka. No discussion could take place on this point, it was declared, after the satisfaction should be given. If Spain could prove her claim to sovereignty, it must be done before the point of satisfaction should be reached. If proved, it would remove the ground on which satisfaction was demanded; but, it was added, no such proof could be adduced. Hence satisfaction was insisted upon.[b] This was tantamount to saying that the British Court would not be convinced, no matter what arguments the Spanish Court might produce. Spain was just as confident that she did possess sovereignty over Nootka as England was that Spain did not. The Spanish Court had taken great care to collect evidence on this point. A commission was sent to examine the archives of the Indies at Seville for this purpose. Their report covered some 200 pages of manuscript. It was a compilation of accounts of exploring expeditions, of royal orders and decisions, of acts of the council of the Indies, and of laws promulgated, all affecting that part of the world. Its purpose was to show that Spain had always claimed and exercised the rights of sovereignty over those regions and the right of excluding other nations from her possessions in the South Sea.[c] The treaty of Utrecht was repeatedly cited in the various memorials and letters as guaranteeing Spain's rights in the Indies as they had been in the time of Charles II. The willingness of Spain to submit the matter to arbitration shows that she had confidence in the justice of her cause. England's refusal to arbitrate indicates a lack of confidence.

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[a] Memorial signed by Fitzherbert, July 17, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[b] Instructions cited in note *d* on foregoing page.

[c] Report submitted June 18, 1790, in consequence of a royal order of June 7. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 2848.)

On July 22 Floridablanca replied to Fitzherbert's communication of five days before. He added little to what he had said in documents already studied. He repeated the grounds on which Spain rested her claim—grounds that were absolutely good from the Spanish standpoint. He showed again the unreasonableness and absurdity, from the same standpoint, of the English demands, and their contravention of treaties. He assumed, not without cause, a tone of injured innocence, and concluded that it was not worth while to extend further his reflections on points so clear nor in demonstration of the rights of Spain, since enough had been said already. The Spanish King had no intention, he declared, of being dragged into a war over an academic dispute. He agreed to give, first, such satisfaction as one of the Kings of Europe, chosen by England as arbitrator, should think proper; or, secondly, to give whatever satisfaction should be reciprocally agreed upon, it being understood that such satisfaction should not prejudice the rights of Spain to Nootka. He appealed to the honor and justice of all nations to recognize the generosity of His Catholic Majesty's heart, since to avoid dragging Europe into war he would sacrifice his own well-founded opinion, even though prepared to enforce it by his superior armament.[a] Having led, or rather forced, the Spanish minister to yield this much, Fitzherbert continued to press him until he agreed to the declaration and counterdeclaration, almost word for word, as they had been dictated by the British Cabinet. They were signed July 24, and are as follows:[b]

DECLARATION.

His Britannic Majesty having complained of the capture of certain vessels belonging to his subjects in the port of Nootka, situated on the Northwest Coast of America, by an officer in the service of His Catholic Majesty, the undersigned counselor and principal secretary of state to His Majesty, being thereto duly authorized, declares in the name and by the order of His Majesty, that he is willing to give satisfaction to His Britannic Majesty for the injury of which he has complained, fully persuaded that His said Britannic Majesty would act in the same manner toward His Catholic Majesty under similar circumstances; and His Majesty further engages to make full restitution of all the British vessels which were captured at Nootka, and to indemnify the parties interested in those vessels for the losses which they may have sustained, as soon as the amount thereof shall have been ascertained. It being understood that this declaration is not to prejudice the ulterior discussion of any right which His Catholic Majesty claims to form an exclusive establishment at Nootka.

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[a] Spanish memorial of July 22, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[b] A French version is found in Narrative of the Negotiations between England and Spain, 156–158. There is an English version in An. Reg., XXXII, 300. A Spanish version is in Calvo, Recueil Complet des Traités de l'Amérique Latine, 347. Many other works have reproduced them.

In witness whereof I have signed this declaration and sealed it with the seal of my arms at Madrid the 24th of July, 1790.

COUNT FLORIDABLANCA.

COUNTER DECLARATION.

His Catholic Majesty having declared that he was willing to give satisfaction for the injury done to the King by the capture of certain vessels belonging to his subjects in the Bay of Nootka; and Count Floridablanca having signed, in the name and by the order of His Catholic Majesty, a declaration to this effect, and by which His said Majesty likewise engages to make full restitution of the vessels so captured and to indemnify the parties interested in those vessels for the losses which they shall have sustained, the undersigned ambassador extraordinary and plenipotentiary of His Majesty to the Catholic King, being thereto duly and expressly authorized, accepts the said declaration in the name of the King; and declares that His Majesty will consider this declaration, with the performance of the engagements contained therein, as a full and entire satisfaction for the injury of which His Majesty has complained.

The undersigned declares at the same time that it is to be understood that neither the said declaration signed by Count Floridablanca nor the acceptance thereof by the undersigned, in the name of the King, is to preclude or prejudice, in any respect, the rights which His Majesty may claim to any establishment which his subjects may have formed, or may desire to form in the future, at the said Bay of Nootka.

In witness whereof I have signed this counter declaration and sealed it with the seal of my arms at Madrid the 24th of July, 1790.

ALLEYNE FITZHERBERT.

The only difference of any importance between the drafts prepared by the British Cabinet and the documents as finally signed is the insertion in the Spanish declaration of the clause "fully persuaded that His said Britannic Majesty would act in the same manner toward His Catholic Majesty under similar circumstances."[a]

Fitzherbert wrote that on the first occasion of his paying his respects to His Catholic Majesty after the declarations had been signed that Monarch had deigned to converse freely concerning them, saying that they had given him the sincerest pleasure, and that he considered them "a happy earnest of the revival of that perfect harmony and good understanding which it was his constant wish to maintain with the Crown of Great Britain." The ambassador reminded Leeds "that it is extremely unusual for His Catholic Majesty to converse with foreign ministers on any political topic, from which circumstance, joined to the known sincerity of his character and the marked cordiality of air and manner with which he accompanied this declaration, I can safely convey it to your grace as the genuine expression of his feelings."[b]

These declarations settled merely the question of satisfaction which England had demanded as the indispensable preliminary to a discussion of the respective rights of the two Crowns on the Northwest Coast, and particularly at Nootka. This simply repaired the insult which England felt that she had suffered at the hands of Spain. They were now ready to begin negotiations on a friendly basis for the settlement of the present difficulty and the arrangement of a modus vivendi for the future. News of the declarations reached London August 5, and Grenville immediately notified the King, congratulating him on the event, "which, as far as it goes, appears highly satisfactory and seems to offer the most favorable prospect for such an ultimate termination of the business as may correspond with Your Majesty's wishes."[c] In a letter of the next day, Leeds praised Fitzherbert for the latter's success.[d]

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[a] Compare with draft of declaration and draft of counter declaration inclosed with Leeds to Fitzherbert, July 5, 1790 (Brit. Mus., MSS. 34432, f° 42–44); the same, pp. 142, 143 of the Narrative, cited in last note.

[b] Fitzherbert to Leeds, Madrid, July 29, 1790. (MS. public record office, Spain, XVIII, 273.)

[c] Grenville to George III, August 4–5, 1790. (Fortescue MSS., 1, 603.)

[d] Leeds to Fitzherbert, August 6, 1790. (MS. Arch. Hist. Nacional, Sec. Estado, 4243.) Several writers on the subject seem to have made the mistake of thinking that these declarations were intended as a final settlement but were rejected. Calvo, in his Recueil, says that the declaration was rejected by England and the armaments were continued.

During the months of May, June, and July, while the negotiations that have been studied in this chapter were in progress, both countries continued their warlike preparations. Shortly after reaching Madrid Fitzherbert reported a Spanish fleet of 30 sail of the line, though poorly manned.[a] Baumgarten tells of the difficulty which the Spanish Government experienced in getting sailors. He says that they took refuge in the mountains to escape being pressed into the navy.[b] On July 5 the British ambassador reported that the Spanish fleet at Cadiz had been ordered to sea immediately, but he thought it simply a show of vigor to inspire confidence.[c] Four days later he recieved a note from Floridablanca explaining the movement. The King of Spain, having learned that the English fleet had put to sea, gave orders to his to move also, but to refrain from hostilities unless attacked.[d] Two Spanish ships of war, with 1,000 soldiers, had been sent to Porto Rico, since an attack was apprehended at that point.[e] By the 20th of the same month Spain had 34 ships of the line and 16 smaller craft at sea.[f] At the end of June an English fleet of 25 vessels of the line had put to sea,[g] and had been joined early in July by the Dutch fleet under Admiral Kinsbergen.[h]

During all this time the armaments had been carried on in spite of repeated offers and requests from Spain to disarm mutually. As early as May 18, on receipt of the British memorial presented two days before, Floridablanca had proposed to Merry mutual and proportionate disarmament.[i] This was repeated in the Spanish memorial of June 4.[j] The British Cabinet rejected the proposition. In his instructions of July 5 Leeds cautioned Fitzherbert to be particularly careful not to give the smallest encouragement to this idea. His Majesty could not consent to discontinue preparations until he should have secured freedom of commerce, navigation, and fisheries in the districts in question.[a] After the declaration and counter declaration had been signed, Floridablanca proposed limiting the operations of the fleets to prevent the possibility of an encounter.[b] On August 10 Campo, the Spanish ambassador in London, repeated the proposals for disarming.[c] In reply, four days later, Leeds gave assurance of England's desire for peace, but declared that Great Britain refused to disarm until the matter in question should be settled for the future.[d] On the same day that Leeds gave this decided answer to Campo in London, Floridablanca, in Madrid, had again proposed to Fitzherbert a mutual disarmament. On September 10, Leeds sent a formal reply, repeating what he had said to Campo on August 14.[e]

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[a] Fitzherbert to Leeds, June 16, 1790. (MS. public record office, London, Chatham MSS., bdle. 341.) Also Merry to Leeds, June 4, 1790. (MS. public record office, London, vol. for Spain, 17.)

[b] Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Revolution, 292.

[c] Narrative of the Negotiations between England and Spain, 150.

[d] Id., 151. Muriel, Historia de Carlos, IV, I, 112–121. This author gives an extended discussion of the Spanish fleet, giving the size of each vessel, its name, and the name of its commander.

[e] Narrative of the Negotiations between England and Spain, 154.

[f] Id., 66.

[g] Report to the National Assembly. (Arch. Parl., first series, XVI, 692.)

[h] See last chapter.

[i] [Floridablanca] to Merry, May 18, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[j] An. Reg., XXXII, 298.

Far from yielding to the Spanish proposals, Great Britain was continuing her preparations and calling on her allies to do the same. On the day that Leeds rejected Campo's proposition to disarm, he instructed Auckland, the British ambassador at The Hague, to ask that Dutch preparations should not be relaxed. The national honor had been satisfied, but the question of peace or war had not been settled. It was requested that the Dutch fleet be ordered home for supplies and reënforcements.[f] August 19 this request was granted, and England was reassured of the support of Holland.[g] Baumgarten says that early in September the English and Spanish fleets were both hovering off Cape Finisterre, and were dangerously near to each other.[h]

In his instructions to Auckland of August 14, referred to above, Leeds had suggested that with a slight additional expense the Dutch and English fleets could be used to give weight to the representations already made by England for bringing about a pacification in the north and east of Europe. The Dutch Government assented that the general state of Europe, as well as the Spanish negotiations, warranted a continuance of their armament.

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[a] Leeds to Fitzherbert, July 5, 1790. (Brit. Mus., MSS. 34432, f° 46.)

[b] Narrative of the Negotiations between England and Spain, 465.

[c] Id., 194.

[d] Narrative of the Negotiations between England and Spain, 199.

[e] Id., 240.

[f] Id., 234.

[g] Id., 236.

[h] Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Revolution, 294.

The relation between the Nootka Sound negotiations and the questions uppermost in eastern and northern Europe is more than incidental. In a dispatch of June 14 Theremin, the Prussian chargé at Madrid, wrote his Government that in case of a breach between England and Spain the latter would certainly join Russia and Austria.[a] The situation of the powers was such that this would have been perfectly natural. Russia and Austria were waging a common war against the Porte. The former was also engaged in war with Sweden, and the latter had just been deprived of her control in the Netherlands by the Belgian revolution. England and the Netherlands were trying to quiet the storm and induce all parties to make peace on the basis of the status quo ante bellum. Prussia, the third member of the triple alliance, was not in harmony with the other two in this matter. On the contrary, she was attempting to increase the confusion in the hope of gaining something in the turmoil. She was attempting to force Galicia from Austria that she might restore it to Poland and receive as compensation Dantzig and Thorn. She was fostering the Belgian revolution so that in the end she might be able to return the Flemish provinces to Austria to compensate that power for the loss of Galicia. She had actually made a treaty with the Porte looking to this end, and had won the partial support of Poland. If Prussia had succeeded in dragging the other two members of the triple alliance with her into war and Spain had at the same time broken with England on the Nootka question, it would inevitably have thrown Spain into the arms of the imperial courts. The opponents, then, would have been Prussia, England, the Netherlands, and Turkey, with probably Poland and Sweden, against Russia, Austria, and Spain, with possibly Denmark. France had for a time been thought of as a fourth member of the proposed alliance between Spain and the imperial courts, but the disturbances in that country had, for the present, made her almost a negligible quantity.

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[a] Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Revolution, 292.

The conference at Reichenbach, which closed in August, affected materially the state of Europe. The pacific efforts of England and the Dutch Republic had already succeeded in curbing somewhat the warlike passions of Prussia, and at this conference won a further triumph for the peace principle by inducing Leopold of Austria to make peace with Turkey. But Russia still persisted for a time in her war with the Porte, and the English-Spanish dispute over Nootka Sound was almost as far from settlement as ever.[a]

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[a] See Lecky, England in the Eighteenth Century, V, 232-264. A number of letters between the King of Spain and the Queen of Portugal, running through the year, show that the latter power was offering her mediation to settle the quarrel with England; but this is a negligible influence. (See Arch. Hist. Nacional, Madrid, Sec Estado, 4221.)

CHAPTER X.

AMERICA'S RELATIONS TO THE CONTROVERSY.

Attention was called above to the repeated conferences between Pitt and the South American agitator, Miranda. The fact was pointed out that these conferences occurred at the critical periods of the English-Spanish negotiations.[a] To repeat briefly: The first was on February 14, just after the receipt of the first Spanish communication on the Nootka affair, and before the British Court had formulated its reply. Miranda had previously proposed his "grand plan" for the advantage of England united with South America. At this conference the plan was admitted to be beneficial. It was decided that it should be put into execution in case of a war with Spain. In consequence of Pitt's request, Miranda presented, some three weeks later, a written statement of the commercial and military resources of South America. Again, on May 6, when the war excitement in London was at its highest, the great minister and the South American had a conference on the same subject. Pitt was on his way to a cabinet council and was taking with him for consideration at the council the papers which Miranda had presented. Grenville was present at the interview. The conversation was on the prospect of war with Spain, and on the disposition of the people of South America toward joining England in order to gain independence. Various interviews took place at Pitt's house while the Spanish negotiations were in progress.[b]

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[a] See Chapters VII and VIII.

[b] Miranda to Pitt, London, September 8, 1781. (Am. Hist. Rev., VII, 711, 712.) This document and several others, which will be referred to in this chapter, were collected and published by F. J. Turner. In this letter Miranda recounts his relations with Pitt between February, 1790, and September, 1791. It seems that Pitt had made repeated promises of financial aid, but had delayed them from time to time, until the writer had become impatient. A small sum had been paid, but much less than had been promised. He tells of Russian offers of friendship and support. Later correspondence indicates that he received money from time to time.

At some time during the year Miranda's plan was presented in the form of a draft of a constitution for the Spanish-American colonies after they should have gained their independence. The proposed new empire was to include all of South America, except Brazil and Guiana, and the portion of North America west of the Mississippi River and south of the forty-fifth parallel. Cuba was to be included as the key to the Gulf of Mexico. The government was to be modeled in a general way on that of Great Britain. The executive power was to be lodged in an inca, under the title of "emperor," with hereditary succession. The upper chamber was to be composed of members nominated for life by the inca. Further details of the government were worked out.* Miranda reminded Pitt that the latter had seemed pleased with his ideas and had asked him to leave the draft for further perusal. Plans for carrying on the war were discussed, and the most favorable point for attack in South America was considered. Means were devised for enlisting the interest of Jesuits in Italy who were natives of South America and had been exiled by the King of Spain. Accounts of recent insurrections in Spanish America were given to show how ready the people were for emancipation. Later, a detailed plan of attack was presented, with maps to illustrate it. At Pitt's request a plan of the defenses of Havana was left with him.

This shows what extended plans the British Cabinet was considering. It was to be expected that England would persist in her demands, for if Spain would not yield there was much to expect from a war. Secret agents at various places in America were collecting information looking toward military operations to carry out these schemes. Besides the overtures to the United States through Canada, to be discussed presently, there were secret emissaries at Charleston and New York, and information was being collected concerning New Orleans, the Floridas, and the Mississippi country. The feasibility of marching troops from New Orleans to Mexico was considered, and reports were made by men who were familiar with the country. Some of the secret employees were enthusiastic over the possibility of making a great English colony out of the Floridas and the Mississippi Valley. Agents of the Creek and Cherokee Indians were negotiating for a friendly connection with England. The plan, as far as it had taken shape, seems to have been for England to seize the heart of North America for herself and erect the remainder of Spanish America into a client state.[a]

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*Am. Hist. Rev., VII, 711, note 4.

As mentioned above, the British Cabinet sent instructions on May 6 to Lord Dorchester, the governor of Canada.[b] He had intended to visit England during the summer, but was requested to remain and prepare for the impending struggle. Besides strengthening his own dominions he was to make friendly overtures to the United States.[c] In consequence of these orders Lord Dorchester gave instructions on June 27 to Major Beckwith, whom he had selected as the medium through which these overtures should be made. Beckwith was given double instructions. The one set was to guide his conversations in discussing public questions in a general way. The other was secret and for his private guidance. In the first he was instructed to say that the appearance of war with Spain rendered it improbable that Dorchester would obtain his expected leave of absence that season. He was to return hearty thanks for the friendly approbation of Dorchester's proposed trip through the United States on his way to England. He was to express the hope that the appearance of a war with Spain, or even its actual occurrence, would not alter the friendly disposition of the United States toward Great Britain. He was to mention the pretensions of Spain to absolute control over navigation, commerce, and fisheries in the Pacific Ocean, and discuss the evil effect on the United States if such control should be conceded. These things he might say freely and publicly. But his secret instructions were to guide him in conversing with those whom he might select as proper persons in whom to confide. From them he was to learn the disposition of the Government and the people toward England if the affair with Spain were not considered. Then he was to discover what difference a war with that country might make. He was to ascertain whether in case war should occur they would be likely to join Spain, and also to find what might induce them to join Great Britain in such an event. In discussing the Mississippi question he was to be cautious, but might suggest that England would probably assist in obtaining its navigation. Naval and military movements should be watched.[a]

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[a] Am. Hist. Rev., VII, 716-735.

[b] See Chapter VIII.

[c] Narrative of the Negotiations between England and Spain, 57.

Dorchester reported to the home office, on July 7, that Beckwith had been hastily sent back to New York.[b] The latter did not have to wait long to find the right man to converse with on the matter contained in his secret instructions. On July 8, Hamilton, the Secretary of the Treasury, made a memorandum giving the substance of a communication from him. The major had spoken of the expected rupture and had observed that all commercial nations must favor the views of England.

> It was therefore presumed, should a war take place, that the United States would find it to their interest to take part with Great Britain rather than with Spain.[c]

It seems that Hamilton communicated the matter to the President at once, for in a letter reporting a later conversation with Beckwith he says:

> I have made the proper use of what you said to me at our last interview [July 8].[d]

Under date of July 12, Jefferson, the Secretary of State, prepared a paper entitled, "Heads of a consideration on the conduct we are to observe in the war between Spain and Great Britain, and particularly should the latter attempt the conquest of Louisiana and the Floridas." As one would expect, Jefferson inclined toward Spain rather than England. He brought out the danger to the United States if England should get control of New Orleans and the neighboring territory. He suggested the idea of joining Spain in guaranteeing the independence of these countries instead of allowing Great Britain to take them. The paper seems to have been prepared to serve as a guide in an approaching interview with the Canadian agent, for he says, "As to England, say to Beckwith," etc.,[a] then gives the substance of what Hamilton reported as having been said to that gentleman in an interview of July 22, at which Jefferson was present.

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[a] Lord Dorchester to Major Beckwith, Quebec, June 27, 1790 (Can. Arch., 1890, p. 143); and same to same on same day (Id., 144). Very little is known of Beckwith besides his being sent on this mission. Douglas Brymner, in his introduction to this volume of the Canadian Archives, p. xl, gives a brief sketch. He says that the records at Washington reveal nothing regarding Beckwith or his mission.

[b] Dorchester to Grenville, Quebec, July 7, 1790. (Id., 145.)

[c] Hamilton, Works, IV, 31.

[d] Id., 32. Also Can. Arch., 1890, p. xxxvi

In this interview the fact was brought to light that Beckwith was not an authorized British agent, but that he had been sent by Dorchester with the knowledge of the British Cabinet. Owing to his unofficial character nothing of importance passed, but he was told that the United States was ready to answer when it should be presented in an official form. Hamilton had said that, at the time, he—

> would not mean either to raise or repress expectations. * * * Something was said respecting the probable course of military operations in case of a war between Britain and Spain, which Mr. Beckwith supposed would be directed toward South America, alleging, however, that this was mere conjecture on his part. I hinted cautiously our dislike of any attempt on New Orleans.

Hamilton added in a note:

> The views of the Government were to discard suspicion that any engagements with Spain or intentions hostile to Great Britain existed; to leave the ground in other respects vague and open, so as that in case of a rupture between Great Britain and Spain the United States ought to be in the best situation to turn it to account in reference to the disputes between them and Great Britain on the one hand and Spain on the other.[b]

Beckwith reported to Dorchester that Hamilton had said:

> We are perfectly unconnected with Spain, have even some points unadjusted with that Court, and are prepared to go into a consideration of the subject.[c]

Scott, a member of the House of Representatives from western Pennsylvania, told Beckwith that the prospect for a rupture made most forcible impressions on all classes in the States. There was a deep interest, he said, in the prospect of England's possessing New Orleans. The possible dismemberment of South America and the opening of commerce with that continent was of interest, as well as the question of navigation, commerce, and fisheries in the Pacific. He thought that the moment was very favorable for England; and he saw no reason why the United States should not assist her.[a] After news of the declaration and counter declaration, signed at Madrid July 24, reached America, Beckwith reported general dissatisfaction in the United States at the prospect of pacification. Agricultural interests had expected that the war would bring them high prices, and the shipping interests were expecting a share in the English carrying trade and hoped for free commerce with the Spanish West Indies. Friends of England thought that she ought to take the opportunity for ruining the Spanish marine, which they imagined to be an easy matter. British possession of New Orleans was expected and desired, except by the Government which hoped to gain from a neutral position when the settlement should come. At the same time he reported another conversation with Hamilton. The Secretary had said:

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[a] Jefferson, Works, IX, 409.

[b] Hamilton, Works, IV, 32. Also Can. Arch., 1890, p. xxxvii.

[c] Can. Arch., 1890; p. 145. Inclosure with Dorchester to Grenville, September 25, 1790, marked "Supposed No. 7." These inclosures and others similar, sent at various times by Dorchester to the British Cabinet, are designated as unofficial information. No names are given, but the speakers are indicated by number. Keys were sent from time to time showing for whom the numbers stood. A complete key is found in the introduction to this volume (p. xlii). The above information reached Dorchester August 5.

> We consider ourselves at perfect liberty to act with respect to Spain in any way most conducive to our interests, even to the going to war with that power, if we shall think it advisable to join you.[b]

These reports were doubtless colored by the desire of the Canadian agent to send as favorable news as possible; but after allowing for the exaggerations and the distortion of facts that would naturally be expected, enough remains to show that the prospect of war was common talk and that it was not altogether undesired. They also point to the well-known fact that England had many friends in the United States and some even in the highest official circles.

While Beckwith was holding these unofficial conferences with American statesmen President Washington and his advisers were considering what measures the Government should take in the event of hostilities breaking out. Between the time of Beckwith's first interview with Hamilton and that of the more formal conference a fortnight later in Jefferson's presence the latter had written to Monroe concerning the matter. He said that a war between England and Spain was probable. Symptoms indicated a general design on Louisiana and the Floridas. He spoke of the unpleasant position of the United States if England should obtain them. Both England and Spain, he said, ought to know that this country was in a condition for war.[a] Late in August President Washington wrote concerning the matter to his chief advisers. He thought that if Great Britain and Spain should come to arms New Orleans and the Spanish posts on the Mississippi would be the first objective point of the former. He asked what the answer to Lord Dorchester should be in case he should request permission to march troops from Detroit across the territory of the United States against the Spanish posts, or in case it should be attempted without leave, which was most probable.[b]

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[a] Id., 147, No. 14. The key shows this to have been Mr. Scott.

[b] Id., 162, 163, No. 7.

On the day after that on which the President's letter was written Jefferson answered it. He thought that the United States should keep out of the war as long as possible. If Lord Dorchester should make the expected demand, it should either be silently ignored, or, if granted, the same privilege ought to be offered to Spain. If the march should be attempted without permission, the United States should allow it, but protest against it, holding off from actual hostilities as long as possible.[c]

On the same day Chief Justice Jay answered the President's question. He considered, first, what the United States had a right to do from the standpoint of international law, and, secondly, what was expedient under the circumstances. Under the first head he concluded that, except in cases of absolute necessity, or those in which it could be shown that passage would be entirely innocent, the right of dominion involved the right of excluding foreigners. Under the second head he said that the probability of their being restrained by a refusal ought to be considered. If they would probably proceed anyway, it would be most prudent, he concluded, to consent. However, he added, these remarks retain little force when applied to leading troops from posts in the actual possession of England through territory under English jurisdiction, though both the posts and the territory, of right, belong to the United States. He admitted that it would militate against the interests of the United States to have England occupy the Spanish territories in question. The extent to which the principles of the balance of power were applicable to the case in hand would merit serious inquiry, he remarked, if the United States had only to consider what might be right and just. But since the condition of the country strongly recommended peace, and since it would be more prudent to allow Great Britain to conquer and hold the Floridas than to engage in war to prevent it, such inquiries would be premature.[a]

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[a] Jefferson to Monroe, July 11, 1790. (Jefferson, Writings, V, 198.)

[b] Washington to Jefferson, August 27, 1790. (Id., 238.)

[c] Jefferson to Washington, August 28, 1790. (Id.)

On the second day after the President wrote, Vice-President Adams gave his opinion. He said that the interests of the United States pointed to neutrality as long as practicable. To preserve neutrality every wrong must be avoided. Granting to England the privilege in question would be an offense against Spain. Therefore, if asked, the answer should be a refusal. If the measure should be undertaken without leave there were two methods of procedure—the one was war; the other, negotiation. Nations, he said, are not obliged to declare war for every injury or even hostility; but tacit acquiescence would be misinterpreted. Negotiation, then, was the only alternative. The fact that there had been no exchange of ministers with England made this difficult. A remonstrance might be made in either of two ways. It might be handed by the American representative at Paris, Madrid, or The Hague to the British ambassador at the same place, or a special messenger might be sent to London to demand an audience, make remonstrance, and then take his leave shortly if a minister were not sent to the United States.[b]

Knox, the Secretary of War, sent his advice on the same day as the Vice-President. He mentioned the danger to the United States if England should get the Mississippi Valley. The true interests of the country dictated neutrality. Spain, he said, would not enter the war unless supported by France, and such support was not unexpected. If it should be given, France would attempt to associate the United States with her in the war. One of the parties might offer sufficient inducement to the United States to enter the war, or they might be obliged to enter the war on their own account to avert a greater evil.[a]

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[a] Jay to Washington, August 28, 1790. (Ford, The United States and Spain in 1790, 50.)

[b] Adams to Washington, August 29, 1790. (Id., 45.)

More than two weeks later Hamilton sent a long discussion of the question from the standpoint of national right and from the standpoint of expediency. He concluded that if Great Britain should ask the privilege, it would be best for the United States to agree to it and then explain the matter to Spain. If troops should be marched across without consent having been asked, it would be a cause of war and would have to be resented or a great national humiliation borne. Hostilities, he thought, should be delayed as long as possible.[b]

While these precautionary measures were being considered by the Government at New York, instructions were being s[illegible] to the American diplomatic agents in Europe to guide them in case of a breach between England and Spain. On August 11 Jefferson wrote instructions for Col. David Humphreys, whom he was sending to Europe as a secret agent of the United States. Humphreys was to go first to London, where he should deliver instructions to Morris, the American informal agent at that place. After delivering these he was to proceed by way of Lisbon to Madrid, where he should deliver instructions to Carmichael, the American chargé at the Spanish Court.[c]

Morris had been watching the progress of the dispute between England and Spain and had been in close touch and sympathy with French representatives.[d] The letter which Humphreys carried instructed Morris to intimate to the British Court in case of war that the United States could not be indifferent to the prospect of England's acquiring territory in the adjoining Spanish possessions. The American Government would contemplate a change of neighbors with extreme uneasiness. Due balance on their borders was not less desirable to Americans than the balance of power in Europe was to Englishmen. Jefferson wrote: "We wish to be neutral, and we will be so if they will execute the treaty fairly and attempt no conquests adjoining us." Other dominions of Spain, he declared, left them room for conquests. "If war takes place, we would really wish to be quieted on these two points, offering in return an honorable neutrality. More than this they are not to expect."

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[a] Knox to Washington, August 29, 1790. (Id., 103.)

[b] Hamilton to Washington, September 15, 1790. (Hamilton, Works, IV, 48.)

[c] Jefferson to the United States secret agent, August 11, 1790. (Writings.)

[d] Morris, Diary and Letters, I, 325, 326, 329; Life and Writings, II, 113.

This was to be communicated only in the event of war having actually taken place.[a] Without waiting for America to broach the subject, the Duke of Leeds had sounded Morris on the American attitude toward the extravagant claims of Spain. The latter answered carelessly without giving any real information. He said that Spain was apprehensive of the Americans and would sacrifice for their friendship. He intimated that the navigation of the Mississippi might be offered.[b] A report was current in London that Spain had actually made this concession to the United States.[c]

Jefferson was planning to use French mediation to secure from Spain the opening of the Mississippi. He instructed Short, the American chargé at Paris, to make advances for this purpose through Lafayette if war had begun or whenever it should begin. France, he said, would be drawn into the war only as an ally, hence she might reasonably insist that Spain should do all in her power to keep the United States from the ranks of the enemy.[d]

In his instructions to Carmichael Jefferson suggested that, in case of war, the people of Louisiana and Florida would favor England. He also suggested that it would be best for both countries if Spain would cede the Floridas and New Orleans to the United States in return for a guaranty of the Spanish possessions on the west bank of the Mississippi. These matters were being pressed warmly and firmly, the Secretary said, under the idea that the war between Spain and Great Britain would be begun before Carmichael could receive these instructions, and such an opportunity must not be lost.[a] As stated in the previous chapter, Fitzherbert believed that Spain had made friendly overtures to the United States, but thought also that they would not be cordially received. The Spanish representative at New York presented a letter to President Washington on August 3 which doubtless contained the overtures to which Fitzherbert referred.[b] Very late in the negotiations Short thought that the Spanish ambassador at Paris was about to offer through him a concession of territory to the United States, but the conversation was interrupted before it reached the vital point.[c]

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[a] Jefferson to [Morris], August 12, 1790. (Works or Writings, under date.)

[b] Morris, Diary and Letters, I, 647; entry for September 15, 1790.

[c] This rumor was traced to Miranda, who, it was reported, said that he had seen it in a letter to Campo, the Spanish ambassador. (See Hamilton to Washington, September 21, 1790, Hamilton, Works, IV, 71; see also Humphreys to the Secretary of State, London, October 20, 1790; Ford, The United States and Spain in 1790, 31.)

[d] Jefferson to Short, August 10, 1790. (Jefferson, Writings, V, 218.)

Humphreys delivered Jefferson's instructions to Carmichael late in the year. Carmichael thought that America might have obtained all of her wishes if the Secretary's letters had arrived early in the summer. At that time—

> The critical state of affairs induced the Comte de Floridablanca to throw out those general assertions that we should have no reason to complain of the conduct of this Court with respect to the Mississippi, which gave rise to the report its navigation was opened. That minister had intimations from del Campo of the conferences between Mr. Morris and the Duke of Leeds, which occasioned him to say with warmth to Mr. Carmichael, "Now is the time to make a treaty with England." Fitzherbert availed himself of these conferences to create apprehensions that the Americans would aid his nation in case of war.[d]

The circumstances studied in this chapter show that plans were being formed which, if they had been carried out, would have profoundly altered the subsequent development of the United States. They show also that the attitude of the United States was looked upon as of considerable importance, and influenced to a certain extent the counsels of both of the contending parties. Incidentally it is seen that the controversy afforded an opportunity for expressions of the attitude of the American Government toward encroachment of European nations on American soil. In the above quotations from Jefferson's letters may be found a very good statement of the principles that later became known as the Monroe Doctrine.

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[a] Jefferson to Carmichael, August 2 and 22, 1790. (Id., 216 and 225.)

[b] See Am. Hist. Rev., VII, 720.

[c] Short to Jefferson, Paris, October 21, 1790. (MSS. Dept. of State, Washington, Dispatches, France, Vol. II.)

[d] Humphreys to the Secretary of State, Madrid, January 3, 1791. (Ford, The United States and Spain in 1790, 32.) It seems that very little news from Carmichael had been received, and that the Government at New York had become impatient at his dilatory conduct. He must have received a severe reprimand from Jefferson, if one can judge from his reply of January 24, 1791 (Id., 37). It begins: "SIR: Colonel Humphreys delivered to me your letter of the 6th of August on the 18th of last month. Nothing could equal my astonishment at finding that I have been employing my time in a situation that has been for many years disagreeable—so little to my own credit or to the satisfaction of my country." The rest of the letter indicates that his dispatches had miscarried. He attributed the fact to personal enemies. He said that he was sending copies of some of his last dispatches.

This letter from Carmichael and that from Humphreys referred to above make interesting comments on the court intrigues in Spain—the dominance of the Queen's corrupt influence and the decline of Floridablanca's prestige.

CHAPTER XI.

THE NATIONAL ASSEMBLY AND THE FAMILY COMPACT—EFFECT ON THE NEGOTIATION.

The decree of the National Assembly, in May, ordering the armament of 14 vessels of the line has been studied in a former chapter. Attention was there called to the fact that this step was taken before Spain had made a formal demand for assistance under the family compact. It was also noted that the formal demand was made in the middle of June, but that the King, fearing the consequences, had delayed laying the matter before the Assembly.[a] On August 2, more than six weeks later, a letter from Montmorin informed the Assembly that Spain had demanded in the most positive manner the execution of treaties in case the negotiation with England did not turn out as desired. The King, hoping for a speedy settlement, had thought it wise to defer provoking a discussion of the matter in the National Assembly; but in view of the continued preparations of England he could delay no longer. Therefore he had charged the writer to warn the Assembly and thought that it would be prudent to increase the French armament. He laid before the Assembly the letter of the Spanish ambassador of June 16, with copies of the letters and documents accompanying it, recounting the history of the dispute and the negotiations to the time when it was written. The minister asked the Assembly to deliberate on the demand of the Court of Madrid. All of the documents were referred to the diplomatic committee.[b]

On the next day, August 3, another letter from Montmorin notified the Assembly that a courier from Madrid had brought news of the signature of a declaration and counter declaration that gave hope of an amicable settlement. Great applause greeted the announcement. The letter and declarations were referred to the diplomatic committee. Dupont de Nemours then announced that he had some observations to present on the treaty with Spain known as the "family compact;" but to save the valuable time of the Assembly he would bring them to the attention of the Deputies by having them printed. Another Deputy announced that he also would present some remarks on the Spanish demand in the same manner.

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[a] See Chapter VIII.

[b] Arch. Parl., August 2, 1790. (Muriel, Historia de Carlos IV, I, 122, mentions this letter of June 16.)

Dupont, in his observations on the treaty, first announced the principles on which he proposed to examine it. It had been made, he said, thirty years before, when political philosophy had made scarcely any progress. It was antiquated and inconsistent in some respects, but these defects did not prevent its being just and salutary in principle. Some, he said, wished to break the treaty and abandon our allies, but reason, common sense, and honor point to the contrary—that we should confirm it. He declared that defensive and commercial arrangements ought to be kept, but anything involving offensive warfare ought to be struck out. He thought that it ought to be so modified that instead of a family it would be a national compact. Wherever the word "crown" occurred he would substitute the word "nation," and instead of "the Kings agree," etc., he would have it read "the nations (through their Kings)." He examined the treaty article by article and measured each by these standards. Most of the stipulations he would preserve, with slight modifications; a few he would strike out entirely. The stipulation which provided that the mere requisition should be sufficient to establish the obligation of the nation called upon to furnish the aid was wholly untenable, he declared. The need should be first established, and the nation called upon should have the right of judging. Instead of limiting the alliance to the House of Bourbon, he though that all nations having similar sentiments ought to be admitted.

The other Deputy, who presented the observations on the Spanish demand, declared that Spain had been a faithful ally. She had taken up a failing cause in 1761 and shared in the unhappy sacrifices of two years later. She had aided in the American Revolution and had prepared to assist in the trouble with the Netherlands in 1787. Gratitude would command France to reciprocate; but he wished to appeal to reason and not to sentiment. Spain and France were natural allies because of common interests. The treaty of 1761, no longer a family but a national compact, offered many advantages. Spain was still the most important outlet for French commerce. France had profited more from the alliance than Spain, hence was indebted to her. The financial embarrassment at the time was serious, and a war would be dangerous, but even this ought not to cause France to sacrifice honor. He thought that the armaments ought to be continued and all the forces of France ought to be offered to Spain. If this should be done, England would probably give way. The war, if it should come, ought to have the support of all France and be waged on new and noble principles.[a]

It was more than three weeks before the diplomatic committee was ready to report. The principal member of the committee was Mirabeau. He was spokesman when the report was presented to the Assembly on August 25. He began by saying that the peace was not likely to be disturbed; that the territory in dispute between Spain and England belonged to neither, but to the natives; that it was not worth the loss of blood and treasure; that France, because of internal conditions, ought to avoid war; and that there would soon be universal peace and no need of allies. After giving these pacific assurances, he admitted that France ought to change her political principles, but declared that this ought not to be done suddenly. She could not remain isolated from the world. The suspension of treaties would be perilous. All treaties made by the King ought to be observed by the nation until they were annulled or changed. He recited the history of Spain's faithful observance of the family compact; then asked whether it would be right for France to annul such a solemn engagement at a time when Spain was threatened by the same danger that she had three times warded off from France. In view of the great English armament, self-interest obliged France to strengthen her alliance with Spain. That would require a faithful observance of the treaty. If England did not really desire war, but was arming simply to conduct the negotiation more favorably, increasing the French armament would doubtless delay the result. But if the abandonment of French engagements should force Spain to make peace with England more promptly, a great wrong would be done to French credit and French commerce. If England desired war, then France ought to support Spain with all her resources. For if England should force Spain to succumb, France would be the next object of her ambition and vengeance. It was not proposed, he said, to ratify the compact as a whole, but only the defensive and commercial stipulations. He proposed to notify the King of Spain that the alliance would be preserved, and at the same time to refer the treaty to a committee for revision, after which it should be renewed.

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[a] Arch. Parl., August 3, 1790. The observations of the two Deputies are appended to the minutes of the session. The one who presented the latter report was Le Couteulx de Canteleu, Deputy from Rouen.

The King of France was to open negotiations with the King of Spain at once for this purpose. He also proposed that the fleet be raised to 30 ships of the line, with a proportionate number of smaller vessels. After a few short favorable addresses on the report the discussion was postponed to the next day.[*]

When the discussion was resumed on August 26 the report met with very little opposition. There was a futile attempt, led by Pétion, to postpone the decision until further information might be obtained. L'Abbé Maury favored confirming the treaty as it stood, declaring, rightly as events proved, that it would give England a great advantage to leave the alliance so indefinite. Ricard considered 30 vessels too small an armament and proposed increasing it to 45. Others favored his idea and Mirabeau embodied it in his report. With this modification, the decrees proposed were unanimously adopted by the Assembly. The essential points were: First, defensive and commercial arrangements with Spain were to be observed; secondly, negotiations were to be opened with Spain for the purpose of renewing and perpetuating the alliance; thirdly, the armament should be raised to 45 ships of the line, with a proportionate number of smaller vessels.[a]

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[*] Arch. Parl., August 25, 1790; Miles, W. A., Correspondence, I, 167.

On August 30 Montmorin informed the Assembly that the King had sanctioned the decrees and would proceed at once to carry them out. The minister for marine, he said, had already received orders for the armament. Only 16 vessels would be fitted out at once, which, added to the 14 already armed, would make 30. Preparations would be made to complete the armament to 45 if that should become necessary.[b] On September 1 Montmorin replied to Fernan Nuñez's letter of June 16. He told of the action of the Assembly and inclosed a copy of the decrees. The King, he said, was taking steps to carry them out. The reason that only 30 ships instead of 45 would be armed immediately was to avoid the appearance of hostility to England. The French King hoped for a peaceful settlement and reciprocal disarmament.[c]

To one who did not scrutinize the decrees closely the action of the Assembly seemed to be all that Spain could desire. If the support had been tardy, yet it was enthusiastic. It seems that at heart most of the Assembly really desired to support Spain and thought that they were doing all that could be expected; but their irrepressible tendency to theorize blinded them to the practical. Apparently they did not realize that their proposal to modify the treaty at such a critical time nullified it as far as any immediate assistance under it was concerned. It seems possible that if Mirabeau had stood firmly for ratifying the treaty as it was he might still have carried the Assembly with him.[d]

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[a] Id., August 26, 1790. Muriel, Historia de Carlos IV, 123–126, discusses Mirabeau's report of August 25 and the decree of August 26. Cambridge Modern History VIII, 189, 190, discusses the decree briefly. The latter reference says, "It is stated on the authority of Miles that Mirabeau received from the Spanish minister a thousand louis d'or for this service." See also Memoires de Mirabeau, VIII, 36; Loménie, Les Mirabeau, V, 269; and Correspondence Entre Mirabeau et La Marck, II, 147.

[b] Montmorin to the president of the Assembly, August 30, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.) On October 10 the Assembly appropriated 5,000,000 livres to defray the expense of the armament. (See Arch. Parl., October 10, 1790.)

[c] Montmorin to Fernan Nuñez, September 1, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.

[d] Oscar Browning, Cambridge Modern History, VIII, 290, says that "On June 23, 1790, he had notified the Court that if they wished to give effect to the family compact they must get it altered in form, as the nation would never support an agreement which was purely dynastic in shape."

The French Government was anxious regarding the effect that the action of the Assembly might have on England. The French view of England's conduct was well expressed in a letter from Montmorin to Luzerne, the ambassador from France to the English Court. After remarking that the British Court would probably be astonished at the decrees, he explained that the step was necessary to sustain the honor of France. It had not been taken precipitately, he said, but had been delayed as long as possible, even provoking complaints from Spain. When it was learned that Spain had given satisfaction to England, and still the latter refused to disarm, the French Government was compelled to suppose that the British Cabinet had some ulterior purpose and was not certain that it did not concern France. Either England did not wish to terminate the Nootka affair justly or she had other objects, for which this was to furnish a stepping-stone. If it was a question of Spain, France was interested in saving her ally; if the French themselves were concerned, argument was unnecessary. Luzerne was to use these arguments with Leeds and Pitt. He was also to use confidentially the fact that the Assembly had decreed a larger armament than the Government had asked. This, Montmorin remarked, ought to make an impression. Luzerne might again suggest French intervention, but with much circumspection, since it had been refused before.[a] On the day after writing the above private instructions for the ambassador, Montmorin asked him to assure the English King that the armaments were purely precautionary and had no object except those designated by the Assembly. The French King hoped for a peaceable settlement. He had been pleased with the declaration and counter-declaration, but would have been more pleased if a proportionate disarmament had followed, or at least an agreement not to increase the armaments.[b]

Gower, the British ambassador at Paris, had promptly expressed to Montmorin his surprise at the action of the Assembly. He reported on August 27 to his Government that Montmorin was surprised also, and had told him that orders would be given to commission more ships, "but that it would be done (this he said in the utmost confidence) avec le plus grande lenteur."[a] A dispatch of the next day hinted that Spanish money might have influenced the Assembly.[b] On September 1 instructions were sent from London telling Gower to renew the English assurances of friendliness for France, but to observe that it would be impossible for the harmony to continue if France should support Spain. He was to represent that any aid or encouragement to Spain would be a cause of umbrage to England, since it would make a just settlement more difficult.[c] On September 4 Gower presented a memorial demanding an explanation of the armament.[d] Montmorin's letter to Luzerne of August 28, referred to above, was presented to the English Court on September 7.[e] On September 10, in reply to Gower's of the 4th, Montmorin referred the English Court to a letter written September 9 to Luzerne, which the latter would present. For some reason Luzerne delayed handing this to the British Court, and on September 21 Gower was instructed to demand a formal reply to his memorial. When this demand reached Paris, Montmorin was out of the city. Having returned, he answered, October 4, that he did not understand Luzerne's delay. He declared that France had no wish to influence the negotiations, but in case the matter could not be amicably settled she might be compelled to support Spain. Before this reached London Gower had been instructed to demand that the French fleet make no move to join the Spanish. On October 14 Montmorin agreed that no movement should be made until England should have received a reply from Spain to the ultimatum which the British Court had sent a few days before.[f] Hugh Elliot was sent secretly as a special English agent to argue with the French Court against supporting Spain. He met members of the diplomatic committee and thought, at least, that he had converted them to the English view. W. A. Miles coöperated with Elliot in this undertaking. Only obscure and mysterious references to their mission are extant, and many curious speculations have been made concerning it.[a]

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[a] Montmorin to Luzerne, August 27, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

[b] Same to same, August 28, 1790. (Id.)

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[a] Gower, Despatches, 26.

[b] Id., 28.

[c] Narrative of the Negotiations between England and Spain, 204.

[d] Gower to the French Court, September 4, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

[e] Narrative of the Negotiations between England and Spain, 218.

[f] Id., 220, 221, 223, 226, 230, 232.

Before news reached Madrid of the action of the National Assembly negotiations had begun for a final settlement of the Nootka question.

The declaration and counter declaration signed late in July had been accepted by England as affording the satisfaction demanded. This had opened the way for a pacific discussion of the respective rights to Nootka and the neighboring coast.[b] On September 8 Fitzherbert presented to Floridablanca the first projet of a treaty. It had been formulated in London three weeks earlier and had been sent with instructions to the British ambassador. These instructions declared it to be the purpose of the British Government to avoid requiring Spain to make any mortifying renunciation of rights, but at the same time the stipulations were to be so worded that they would not imply an admission of the Spanish claims by the British Government. It was impossible for His Majesty to recognize them, either directly or indirectly. They were merely a matter of pride with Spain, it was said, and were really a source of weakness rather than of strength.[c]

When Fitzherbert submitted the projet he inclosed with it extended observations on each article. The preamble, as it had been worded by the British ambassador, declared a desire to form a convention which would settle the present differences and avoid such disputes for the future. On this he observed that the Court of London thought that would be the best means of settlement which, without formally pronouncing on the opposing pretensions, should regulate the respective positions of the two Crowns for the future. If British subjects could be assured of the free exercise of their rights in the Pacific, the English King would not be reluctant to establish all possible rules to prevent illicit commerce with Spanish possessions. The Court of London was persuaded that a Cabinet so wise as that of Spain could not seriously have advanced such vast pretensions.

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[a] Stanhope, Life of Pitt, II, 56, 59; Hassal, The French People, 352; Cambridge Modern History, VIII, 291; Adams, E. D., The Influence of Grenville on Pitt's Foreign Policy, 8, 9; Miles, W. A., Correspondence on the French Revolution, I, 170, 176, 178; and George III to Pitt, October 26, 1790, Smith MSS. (Hist. MSS. Com., report 12, appendix 9, p. 368.) The last two are the sources. The last is quoted by Adams and by the Cambridge Modern History.

[b] See Chapter IX. Early in August, letters from Colnett had reached London by way of Fitzherbert at Madrid. These told of his detention in Mexico and of his release. Their influence on the negotiations was only indirect. (See Narrative, 166.)

In the instructions sent from London on August 17, Fitzherbert was asked to take up with the Spanish Court the matter of the liberation of the Chinese which were captured at Nootka. In the same instructions negotiations concerning a dispute over regulations for governing British subjects in the Honduras settlement were turned over to Fitzherbert. These had been in progress between Campo and Leeds at London in February, when the first Spanish note on the Nootka affair was handed to Leeds. The British Court immediately suspended all other discussions until Spain should have offered satisfaction for the insult which they felt that the British flag had suffered. The declarations of July 24 had been accepted as affording such, and consequently the usual diplomatic relations had been resumed. (See Narrative, 201, 203.)

[c] Narrative, 168 ff.

The first article declared that British subjects should be replaced in possession of the ships and lands of which they had been deprived at Nootka by a Spanish officer toward the month of April, 1789.[a] The observations on this gave the English arguments against the claim of Spain to exclusive dominion over the coasts in question. The English Court could not admit the justice of an exclusive sovereignty over so vast a coast, which since its discovery had without interruption been frequented by British subjects and by those of other nations as well. Spain claimed only as far as the sixty-first degree, conceding to Russia the portion beyond. Fitzherbert insisted, with a good deal of sagacity, that the very principle of this division demonstrated the inadmissability of the Spanish pretension. If Russia had acquired rights to the coast beyond the sixty-first degree in virtue of the establishments which her subjects had formed there, how, he asked, could other nations be denied the opportunity of making establishments in like manner on the parts of the coast situated below this degree and not already occupied? As to the Spanish claim to priority of discovery, he implied that it could be disproved, though he did not disprove it. However, he insisted that discovery alone, without being followed up by actual occupation, could not be admitted as furnishing a right to possession which could operate to the exclusion of other nations. England did not claim exclusive jurisdiction, he said. What she wished was a reciprocal assurance of free access for both nations to the new establishments formed or to be formed by the one or the other.

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[a] An error in the month, as pointed out formerly. Martinez did not arrive at Nootka until May 5. (See Chapter IV, ante.) This error was embodied in the final treaty.

The second article, in keeping with the statement just made, declared that between certain limits, to be named later, the subjects of both Crowns should exercise their commerce without hindrance in the establishments of either.

The third article declared that England would employ efficient means to prevent such access being made a pretext for illicit commerce with Spanish colonies. With this in view it was stipulated that between certain limits, to be named later, British subjects should make no establishments, and that they should not approach within a certain distance of the coast between these limits. Fitzherbert observed that the purpose of this was to assure to Spain the rights of domain over all places in actual possession of her subjects. It was desired to make this as favorable to the Spanish pretensions as possible. He proposed as the northern limit of Spanish exclusive dominion the thirty-first degree. This would have left to Spain not quite all of Lower California. He suggested that the boundary should run east on this degree to the Colorado River, follow that river to its source, and then run northeast to the nearest point on the Missouri. Spain should have exclusive dominion of the coast from the above-mentioned parallel southward to within about 10° of Cape Horn. In his private instructions Fitzherbert was authorized to yield a little if necessary. He might accept as the northern limit the fortieth parallel from the Pacific to the Missouri. He thought that the distance within which British ships should not approach ought to be 5 leagues. On this point his private instructions allowed him to yield to 8 or even 10 leagues.

The fourth article provided that everywhere else in the Pacific the subjects of both Crowns should enjoy freedom of navigation and fishery, with the privilege of landing on the coasts to trade with the natives or form establishments in unoccupied places. It was thought, he said, that this would be the best way to prevent injurious competition in making settlements. This principle was to be applied to the Nootka settlement also, when that should have been returned to Great Britain. On this, he said, no further observations were necessary. It was a natural consequence of the foregoing stipulations. This would have meant, had it been conceded, that England and Spain would have had equal rights to all of the coast north of Lower California. The fifth article referred to making establishments in South America, and was not considered essential by the British Cabinet. The sixth referred to the exchange of ratifications.[a]

Soon after the presentation of this projet the action of the French Assembly became known at Madrid, and its influence must next be considered.

A letter from Madrid of September 10 to the "Gazette de Leide" told that a courier had just arrived from Paris with the news that a decree had been rendered by the National Assembly for a provisional maintenance of the family compact and for increasing the armament. This had greatly decreased the inquietude over the English demands. A rumor had arisen that these demands would overthrow many of the long-established principles of Spain, for they were based on English pretensions to a right of free navigation and commerce in the South Sea and on the western coast of America. The expectation of such powerful aid had produced an agreeable sensation.[b] This was the effect on the popular mind.

Its influence on Floridablanca was very different. In submitting to a council of the principal ministers of state the English projet of a treaty studied above, he said that it was advisable to consider first the relations of Spain with the principal courts of Europe. He began with France. In referring to the portion of the decree that limited the treaty to "defensive and commercial arrangements," he remarked that this expression was capable of many interpretations and equivocations. He noticed further that even the declaration for this partial maintenance of the treaty was made subordinate to the expression "taking all proper precautions to preserve the peace." If, he declared, the deciding on what were proper precautions be left to the Assembly, composed of so many members and with such extraordinary ideas, there was no hope that their decision would accord with Spain's ideas of preserving the peace. That body might not consider the Nootka dispute a casus fœderis. It might decide that Spain was to blame, or that she had motives of aggression, or that she had not admitted all of the means of conciliation proposed by England. The desire of the Assembly to negotiate a new treaty on national lines was ominous, he said. They, of course, wished to modify or explain the old. This new system of the sovereignty of the nation might present difficulties. The body asserting it, the National Assembly, was itself a usurper. Referring to the provision for arming 45 ships of the line, he called attention to the fact that the reason assigned was not that of supporting Spain. The decree declared that the armament was in consideration of the armaments of various nations of Europe, and was for the security of French commerce and French colonial possessions. Finally, he declared, even if the Assembly really wished to aid Spain it was doubtful whether it could do so, on account of the lack of funds and on account of the disorders of the country. If aid should be sent, the insubordination of the French sailors would be in danger of contaminating the Spanish and would impede their own usefulness. He concluded that there was very little hope of aid. Only in case that England attacked France would there be any reasonable hope of assistance.

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[a] Fitzherbert to Floridablanca, inclosing projet with observations, September 8, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The private instructions of Leeds to Fitzherbert are to be found in the Narrative, 168-192.

[b] Gazette de Leide, October 1, 1790.

After discussing the unhappy relations with France, the minister took up each of the other nations in turn. Prussia and the Netherlands were allies of England, so must be counted as enemies. Of the small States, the Courts of Lisbon, Naples, and Turin could be counted on as friendly neutrals. All that could be hoped for from Turkey, Tripoli, and Algiers was that they would not injure Spain; but not so with Tunis and Morocco, which were actually threatening and were probably being reckoned on by England. The Court of Vienna was not open to new enterprises of war or new alliances. Sweden would not be a safe ally, and besides would demand a subsidy. Denmark also would have to be subsidized, and then would join only in case that Russia entered also. The latter was already engaged in war with Sweden[a] and Turkey, and was being menaced by England and Prussia. In the absence of money and support she would have to yield. If Spain had a full treasury to open to Russia and would enter a war against England, engaging her Baltic fleet, there was no doubt that Catherine II would form an alliance. But Spain had not the treasury and was not in a position to undertake a war for the benefit of Russia. If, however, Spain could not honorably avoid war and should be attacked, some arrangement with Russia for reciprocal aid would be useful. Steps had been taken with that in view, but nothing definite had been done. The United States would be useful allies, since they could harass English commerce and threaten Canada. They had been sounded and seemed not unfavorable. But they would desire the navigation of the Mississippi, which would open to them a door for contraband trade with Mexico. And besides this they might in the end be enabled to insist on the boundary of Florida which they had unjustly arranged with England, usurping a large part from Spain.

After considering the foreign relations of Spain, Floridablanca reminded the ministers that they ought also to reflect on internal affairs—the army, the navy, the treasury, and economic conditions. The army was weak, he said, but could soon be increased as much as would be necessary in a maritime war. The navy was well equipped at the time, but provision would have to be made for reënforcements and supplies. All of this would occasion much expense, and the treasury was scarcely sufficient for peace. It would be necessary to have recourse to credit. Bad harvests and weak administration of justice, he said, had increased the cost of provisions. New taxes could not be imposed without causing resistance, especially in view of the evil example of France.

These reflections on the conditions of Spain at home and abroad, the Count said, would have to be kept in mind in considering the plan for a convention which England had proposed. On the other hand, they must not lose sight of the loss that would be caused to the rights of Spain in the two Americas. They must remember the danger to Spanish commerce and navigation and to the quietude of the colonial establishments. They must also consider the evil example that would be given to other nations by a concession to Great Britain, as well as "the incentive to England to increase her pretensions and exact other condescensions if we enter easily into the first."[a] From these reflections it is evident that Floridablanca had decided to yield to England, but with at least a show of resistance.

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[a] Peace had been concluded between Sweden and Russia on August 15, but the news had probably not reached Madrid when the Count prepared this paper. See Lecky, England in the Eighteenth Century, V, 271.

Such a communication from the prime minister to the Council of State would lead one to infer that the Spanish Court was about to desert the French alliance, and was willing to sacrifice something for the friendship of England. But if this is only an inference the communications with the English ambassador at about the same time leave no doubt of the fact. At a conference on September 13 Floridablanca declared to Fitzherbert that His Catholic Majesty regarded the National Assembly with the utmost horror. He was extremely averse to adopting the kind of treaty proposed by that body. He feared for the influence on his own authority that a recognition of the French Assembly would have. If, however, England should press too hardly in the present conjuncture, the Count declared, Spain would be compelled to accept the alliance of France on any condition. But if an accommodation could be speedily arranged, His Catholic Majesty intended to reject the treaty proposed by the French Assembly and to establish an intimate concert and union with England. The Count informed the British ambassador that he had submitted the latter's projet and observations to the Council of State. That body had decided that it would be necessary to send to America in order to locate definitely the northern and southern limits of the Spanish settlements as proposed. Since this would delay the settlement of the Nootka affair, he suggested the immediate conclusion of a preliminary agreement, which would secure to

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[a] Floridablanca to the principal ministers, September, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The same is published in Calvo, Recueil Complet des Traités de l'Amérique Latine, III, 350–355; also in Cantillo, Tratados de Paz y Comercio, 630.

Great Britain by general, but sufficient, stipulations, the objects that she had in view. This would put a stop to the armaments, give time to arrange a system of union between Spain and England, and allow His Catholic Majesty to disengage himself entirely from France.[a]

At this conference, on September 13, Floridablanca had said that he would present a plan for the temporary settlement which he had suggested. Fitzherbert had found it best in his dealings with the Spanish Court to be first on the ground. Consequently on the following day he sent to the Count a projet for the proposed temporary agreement. On the same evening Floridablanca presented his plan in the form of a counter-projet. The next day, September 15, they held another conference to consider the plans. The English ambassador labored in vain to induce the Spanish minister to admit some alterations in the latter's plan, so that it would be acceptable to the British Court. The Count insisted that he had conceded all that his colleagues and the King would allow him to grant. He earnestly requested Fitzherbert to transmit it to the Duke of Leeds in its existing form. He felt confident that the terms would be accepted by the Court of London. As a means of shortening by some weeks the continuance of the present expensive armaments, he would send instructions authorizing Campo, the Spanish ambassador at London, to sign it in case His Britannic Majesty should approve it.[b] Since neither of these plans was accepted, it is not necessary to study their terms in detail.

This shows the influence that the action of the French Assembly had on the relations of the three countries. In view of it, Spain despaired of getting any assistance from France, and, further, it promised to be the occasion for a rearrangement of alliances, Spain breaking the traditional union with France and arranging an intimate alliance with England.[c]

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[a] Narrative, 242-245.

[b] Id., 247-256. A manuscript copy of Fitzherbert's projet and Floridablanca's counter-projet is to be found in the Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.

[c] Cambridge Modern History, VIII, 189, says of the Spaniards: "Feeling how vain it was to trust an ally of this kind, they preferred to make terms with their enemy."

CHAPTER XII.

ENGLISH ULTIMATUM—SPANISH DEFIANCE.

In the middle of October the "Gazette de Leide" printed a letter from Madrid, dated September 24, saying:

> We are assured that the negotiation with England is in a good way and is about to terminate in a friendly manner.[a]

This was written a few days after the Spanish Court had decided to abandon the family compact and form an intimate alliance with England as studied in the last chapter. The next issue of the same paper printed a letter from London, dated October 12, which had a very different tone:

> The warlike appearances have greatly increased in the last eight days. The next dispatches from Fitzherbert, replying to the last English demand, will probably decide for peace or war. On our side all preparations for a rupture have already been made.[b]

This was written a fortnight after news had reached London of Spain's proposed change. Instead of receiving the friendly advances of the Spanish Court in the spirit in which Floridablanca hoped, and apparently expected, the Court of St. James accepted them as an announcement that the French alliance had failed, and an acknowledgment that Spain was at the mercy of England. This is really what they meant. Instead of following Spain's example and giving up some of her pretensions, England took advantage of Spanish helplessness and gave Spain ten days to decide whether she would accept war in the face of almost insurmountable difficulties, or peace with humiliating concessions. Much discontent had arisen in England at the length to which the negotiation was being drawn out. It was considered inconsistent with the decisive tone at the beginning. The object to be gained was thought to be hardly worth such an expensive armament continued for so many months.

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[a] Gazette de Leide, October 15, 1790.

[b] Id., October 19.

The ministry was being severely criticised, and felt the necessity of forcing a decision.[a]

Although feeling keenly the criticism of the armament, yet the Government was unwilling to disarm until Spain should have yielded. On September 10, in consequence of the repeated requests from Spain for a mutual disarmament, Leeds directed Fitzherbert to represent to Floridablanca that, with every wish for an amicable adjustment, it did not appear to the British Government expedient to disarm until such adjustment should be secured.[b] For the same reason the ministry was unwilling to accept any temporary arrangement, such as Floridablanca had suggested, which would postpone the final settlement to a later date. Consequently, on October 2 two drafts of a treaty were sent to Fitzherbert. They contained substantially the same terms except that one provided for the definite demarkation of the limits of Spanish exclusive sovereignty, and the other did not. These embodied Great Britain's ultimatum. Fitzherbert was to give the Spanish Court ten days in which to decide on an answer. If at the end of that time an answer had not been received the ambassador was to quit Madrid.

After sending the ultimatum the British Court redoubled its energies in preparing for war. One is almost led to believe, from the vigor displayed, that war was desired and that the ultimatum was prepared with the deliberate intention of forcing a breach. In a letter of October 22 Leeds asked Auckland, the British ambassador at The Hague, to communicate to the Government of the Republic the probability of a rupture. He expected in a few days to send copies of all the correspondence relating to the discussion that Auckland might lay them before the Dutch Government. Although it might happen, he said, that England would be obliged to commence the hostilities, yet he had no doubt that every circumstance would convince mankind that "Great Britain was not the aggressor in the war which may, in a few days, disturb the general tranquillity." After speaking of the cordiality of the Dutch Government, he continued:

> It will also, I trust, be understood in Holland how material it is to enable us to act with vigor in the outset. I therefore hope that there

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[a] Dundas to Grenville, September 27, 1790. (Fortescue MSS., I, 607.)

[b] Leeds to Fitzherbert, September 10, 1790. (Narrative, 240.)

> will be no difficulty in furnishing some naval succors before the expiration of the two months stipulated. It would be to be wished, if possible, that a detachment be sent immediately on the news of hostilities, and that it should amount to 8 ships of the line and 8 frigates. If, however, so much can not be obtained, even a less number will be a material object.[a]

A notion of the popular view of the impending war may be gleaned from a letter written by Storer to Auckland on the same day that the secretary for foreign affairs wrote the one just studied. Storer said that all of the officers were in high spirits at the prospect of a voyage to Mexico. He thought that the Nootka affair was merely a pretext for a war that had been previously determined upon. He said:

> Pitt is tired of peace. He bullied France so effectually three years ago[b] that he is determined to try the same thing with Spain.

He thought that the negotiators themselves did not know what would happen.[c] If the British ministers were not actually trying to force a war, it is, at least, evident that they were willing to accept it should it come; and that they were not willing to make any considerable concessions to preserve peace.

The ultimatum, with instructions for his private guidance, reached Fitzherbert October 12. He was told that Floridablanca's proposal for a temporary agreement was not admissible since it would leave the matter open to a subsequent discussion. It was important that it should be settled at once. If Floridablanca's proposal had not been accompanied by assurances that indicated a sincere desire for accommodation with England, it would have been doubtful, he was told, whether anything could have been hoped from a further continuance of the negotiation. The prospect for a speedy settlement and the chance for dissolving the family compact compensated largely for the inconvenience of further delay, but that delay could be only for a few days. The Count's committing himself on points of so much delicacy indicated that the Spanish Court had determined to go a considerable length. His language respecting France was consistent with his character. The temporary arrangement proposed by him admitted the British claims in general terms, but the indefiniteness of its terms would leave ground for disputes. Fitzherbert was to remind the Count that he had, in principle, admitted the justice of the British claims. The present articles, he was told, did no more than to secure definitely those rights. Their rejection would be considered as a proof either that Spain was not sincerely desirous of an accommodation or that she was unwilling to grant distinctly the security which the Spanish minister had argued to be in fact contained in the articles which he had suggested. The question as to security of navigation, commerce, and fisheries in that part of the world depended on whether Spain did or did not insist on her exclusive claim to the continent in question and the seas adjacent. This could be decided as well at one time as another. The question of restitution should depend on whether Spain rested her case on her pretended exclusive sovereignty or prior discovery, or whether she could prove that she had actual occupation of Nootka prior to the time when lands were purchased and buildings erected there by British subjects.[a] The only matter that could afford an excuse for delay was the determination of limits. Such an article would seem to be desirable to both sides, but His Britannic Majesty would not object seriously to the omission of such demarkation. The great expense of maintaining the armament ready for service and the just expectations of the public could not admit of further delay in coming to a decision on the question of peace or war. Fitzherbert was to communicate this fact to Floridablanca in the least offensive but the most explicit manner possible. Ten days was considered a sufficient time for the Spanish answer.

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[a] Leeds to Auckland, October 22, 1790. (Brit. Mus., MSS. 34433, f° 349.)

[b] In detaching the Netherlands from the French alliance and uniting them to England and Prussia by the triple alliance.

[c] Storer to Auckland, October 22, 1790. (Auckland, Correspondence, II, 373.)

On the question of disarming in the event of an amicable settlement, Leeds suggested that mutual confidence would be a stronger security than any formal stipulations. England did not wish to reduce to a peace establishment at once, on account of the French armament and because of the fact that

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[a] This shows that the British Ministry was resting the justice of its cause on the purchase of land which Meares claimed that he had made at Nootka on his arrival in 1788, and on the temporary hut which he had erected to shelter workmen while they were building his little vessel, the *North-West America*. (See Chapter II.)

Russia seemed unwilling to adopt a moderate policy toward Turkey. It was incumbent on the allies to prevent the dismemberment of Turkey.[a]

On October 13, the next day after receiving the above instructions and the projets of a convention accompanying them, Fitzherbert had a conference with the Spanish minister, at which the latter's language led the former to doubt the possibility of an amicable settlement. At an interview on the following day the British minister presented parts of the drafts of the ultimatum. The Count's reception of these was so unfavorable that Fitzherbert thought best to warn all of the British consuls in Spain of the prospect of an immediate rupture. He wrote to his home Government that it seemed impossible to obtain a convention with a demarcation of limits. That no means of effecting a pacification might be left untried, Fitzherbert delivered to Floridablanca on October 15 a translation of the entire projet without the demarcation of limits. The Count's reply of the next day was still in terms extremely wide of the English proposals, but it revived Fitzherbert's hopes of engaging the Spanish minister by degrees to accede to His Britannic Majesty's demands.[b]

In this reply of October 16 Floridablanca said that there were considerable difficulties in the way of agreeing to the English projet. He submitted some observations justifying some small but substantial changes which he had suggested. He remarked that the British projet, in demanding that the buildings and lands should be restored to the British subjects, assumed that they had once possessed them. He declared that this assumption was untrue; that the British subjects had only been attempting to make an establishment, from which the Spanish commander had prevented them. If they had ever bought land, as pretended, they had failed to take possession of it.

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[a] Narrative, 257-285. Also, the two drafts are inclosed in Leeds to Auckland, October 8, 1790. (Brit. Mus., MSS. 34433 f° 252.)

With these instructions Fitzherbert was also given orders concerning the case of Captain Macdonald. He was the captain of a vessel that had recently been seized by a Spanish frigate in the West Indies on the ground that she was carrying on contraband trade. Indemnity for this had to be assured before the Nootka matter could be settled. It was easily adjusted. (Narrative, 285.)

[b] Id., 289-291.

Before examining Floridablanca's observations further it may be well to remark that this was the point of fact on which it was impossible for the two Courts to agree. Each relied on the statements made by its own subjects and these statements were conflicting. Meares told of his purchase of land and his erection of a building thereon in 1788 in such a manner as to lead the British Cabinet to believe that he had formed a substantial English settlement, and that the establishment was still there in the spring of 1789 when Martinez arrived. On the other hand, Martinez's account showed that when he arrived at Nootka there were no evidences of any British establishment, but that the expedition under Colnett, which arrived two months later, came to form an establishment. Neither was wholly right nor wholly wrong.[a]

Floridablanca said that it was very difficult and almost impossible for Spain to consent that British subjects should land in unoccupied places to trade with the natives and form establishments. Places without a substantial Spanish occupation, he said, might be found almost anywhere along the coast of America. This clause, he said, ought to be omitted from the projet. Fitzherbert had proposed that British vessels should not approach within 10 leagues of places occupied by Spain. The Count insisted that the distance was too short. Instead of the expression, "occupied by Spain," he would substitute the expression, "belonging to Spain." With his observations the Spanish minister submitted a counter projet which embodied them. In his letter accompanying these documents, Floridablanca said that he had proposed a special junta to consider the English propositions. However, if Fitzherbert would agree to the Spanish counter projet, he would venture to propose it to the King and see if the matter could not be settled before the meeting of the junta.[b]

The Spanish minister had decided that Spain would have to yield to the English demands. He was directing his efforts toward an attempt to induce the British ambassador to modify those demands so that they would give as little offense as possible to Spanish pride. But other Spanish officials were not so ready to yield as the prime minister was.

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[a] For a full discussion of these facts, see Chapters II–V.

[b] Floridablanca to Fitzherbert, October 16, 1790, inclosing notes on the English projet, and a Spanish counter projet. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

Fitzherbert did not accept the count's terms. He insisted on the British projet as it stood. The special junta was summoned. It was composed of eight of the principal ministers, not including Floridablanca. The order naming the members was dated October 19. The next day a note requested them to hasten, for the ambassador was very urgent. Sessions were held on the 21st, 22d, 24th, and 25th. The English projet was examined article by article.

The findings of the junta furnish an excellent notion of the feeling of Spaniards respecting the dispute. It was declared that Martinez's conduct at Nootka had not been contrary to international law nor an insult to the English flag. What he had done was to prevent the forming of an establishment in a place belonging to the Spanish dominions, in which, by virtue of treaties made before all Europe and guaranteed by England herself, no foreign disembarkation was permitted without a just motive, and much less the forming of military or commercial establishments. Even granting that the proceedings of Martinez had been culpable, and, by a distortion of ideas, that the resistance to a usurpation could be considered an insult, Spain had already given England such satisfaction as was compatible with her dignity. The increasing of the British pretensions while the Spanish were being moderated showed that the Nootka affair was only a mask to cover England's hostile designs of taking advantage of the revolution in France to attack the divided House of Bourbon.

Referring to a clause in the British projet providing for the return of any vessels that might have been seized since April, 1789, the conclusions of the junta declared that this showed England's design of sending new expeditions. They would not limit themselves to fisheries nor to trading with the natives. They intended to form fortified establishments and construct vessels there to carry on trade with all of New Spain. Their first aggressions would lead to others. The weak and extended Spanish dominions afforded opportunities for their activity. There were many places that

Spain had not been able and probably never would be able to people. The English pretension was the more irritating since it extended also to all the coasts of South America. If Spain should grant their demands she might expect in the end to surrender to them all of the commerce of Peru and New Spain.

The English offer of not allowing their subjects to approach within 10 leagues of any place occupied by Spain was useless, the junta declared, since they demanded the privilege of disembarking in all unoccupied places. By this means they could approach insensibly to those that were occupied. If the Spanish governors should attempt to prevent them, it would lead to disputes and to new negotiations which would afford new opportunities for aggressions. They would finally take all of these countries from Spain.

The English assumption of rights in South America was branded as an infamous artifice. Although Spain had for three centuries been in exclusive and peaceful possession of all South America, the English were now pretending that they had equal rights to unoccupied places. Appealing directly to the King, they said:

> Strange, astonishing, unheard-of it is, Señor, that England should dare to pretend that Your Majesty should authorize and adopt a stipulation which prohibits mutually the forming of establishments there as long as the subjects of other powers shall not attempt to do so; adding that the respective subjects shall have the right of disembarking in those places and building huts and other temporary structures for objects connected with their fisheries. * * * The English pretend that all South America is open to all nations, and that its territories shall belong to the first that desires to occupy them.

England, they declared, was now exacting more than she had dared to ask in 1763, when she had so great an advantage. She had forgotten her guaranty in the treaty of Utrecht that Spain's American dominions should be restored as they had been in the reign of King Charles II, and should remain in that condition. If Spain should grant these privileges to England, other nations would claim them under the "most-favored-nation clause" of the same treaty.

The King was asked to consider how his father had resisted England when there was much less at stake and when the Spanish army and navy were in no better condition. In case of war England's attention, they said, would be directed not against the Peninsula, but against the colonies. Havana Vera Cruz, Cartagena, Porto Rico, Santo Domingo, Trinidad, Caracas, Montevideo, and Buenos Ayres were considered likely points of attack. All of these were declared ready to defend themselves because of their superior garrisons and of climatic and strategic advantages.

Floridablanca had inclosed with other papers for the junta a copy of the observations on Spain's relations to other powers, which he had prepared early in September on receipt of the news of the decree of the National Assembly.[a] Because of the frankness shown in other matters the junta said that they were encouraged to volunteer their own observations on this. Speaking of Prussia as England's most powerful ally, they said that her King was not in a position to dictate terms to all of the northern powers, consequently he would have to consider his own defense. In view of this and of the existing state of Turkish affairs they concluded that England's position was not an especially strong one. As to possible support for Spain, they said that France could not be blind to her interests and to her obligations under the family compact. To avoid the evil effects on the Spanish fleet of insubordination in the French navy the two could operate separately. Spain could probably not get any aid from the United States. Neither were they likely to join England. Portugal could not aid except by remaining neutral. There was nothing to ask or expect from Sardinia, Naples, Venice, or Turkey, and the African states ought to give little concern. As to Russia they were more hopeful. They suggested that it would not be impossible for Spain, by offering commercial advantages, to enter an alliance with Russia, Sweden, and Denmark and secure their help against England. They respectfully submitted to the King and his prime minister the idea of a treaty with Russia defining territorial limits on the western coast of America and guaranteeing each other against English aggressions on that coast.

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[a] See last chapter.

The junta then offered several observations on the harshness of the English demands. England was offering nothing, they said, in return for the sacrifices demanded of Spain. She had turned a deaf ear to Spain's repeated requests for a reciprocal disarmament, hence there was good reason to fear that she was trying to force a breach. It was plain that she intended to form new establishments in the Spanish dominions. She proposed to deprive Spain of the power of repelling the intrusions which she meditated by allowing no recourse except a report of the matter to the home governments and a new convention in each case. This would mean subjection and a continual state of war. She was inviting other nations to help her despoil Spain. She was insisting on the establishment of a principle which would allow usurpations in every uninhabited place. The whole Spanish dominions would shortly be destroyed. Her demands were as injurious as could be made after the most disgraceful war. If this cession should be made through fear in a time of profound peace, it would encourage still greater claims. Authorized by such a document other nations would form common cause, and the vast continent of the Indies would be exposed to a general occupation. Even in an unfortunate war Spain would only have to come to an understanding with her enemies, and there would be hope for favorable alliances and better terms with less sacrifices.

Finally the junta gave their conclusions as to the answer that should be made to England's ultimatum. The concessions now demanded, they said, would inevitably lead Spain into a war. She would then suffer all that the King now wished to avoid, and England would certainly accept no less afterwards. In case that this projet should be rejected and war should ensue, what treaty, it was asked, could be concluded more absolutely ruinous, even in the remote chance of complete prostration, than the convention which was now proposed? Therefore the junta could not in any manner accept the unjust terms contained in the English ultimatum. They recognized that this would mean war. They advised preparation at once to repel hostile attacks and an immediate search for allies even before giving a final answer to the English ambassador.[a]

On October 25, the day of the last session of the junta, its conclusions were hurried off to Floridablanca to be laid before the King. Their reception and influence on the negotiation will be studied in the next chapter.[b]

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[a] Conclusions of the junta of eight ministers, of October 21, 22, 24, and 25, 1790. (MSS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291; a copy is found also in bundle 2848 of the same section.) In the former bundle are also copies of all of the more important papers that had passed between Floridablanca and Fitzherbert since the signing of the declarations on July 24. They were submitted to the junta. In the latter bundle are also the following letters relating to the junta and its sessions: Floridablanca to Iriarte, October 19 and 23; and Iriarte to Floridablanca, October 21, 22, 24, and 25, 1790. Iriarte was secretary for the junta and one of its eight members. He belonged to the council for the Indies.

[b] Duro, Armada Española, VII, 16, makes the mistake of saying that a majority of the junta favored the convention, though it met with some opposition. He had evidently not seen the conclusions of the junta, or had not examined them carefully.

CHAPTER XIII.

THE NOOTKA SOUND CONVENTION—ITS RECEPTION AND RESULTS.

After submitting the English ultimatum to the extraordinary junta, as studied in the last chapter, Floridablanca continued his conferences with Fitzherbert. He made strenuous efforts to induce the British ambassador to modify the English demands. In the first article, which declared that the buildings and lands on the Northwest Coast should be restored to the British subjects, the Count pressed earnestly for the insertion of the clause, "notwithstanding the exclusive rights which Spain has claimed." This would have been almost tantamount to a recognition of the Spanish claim. Fitzherbert would not consent to it. But since the declarations of July had expressly reserved the discussion of those rights, and since the Spanish minister would not be content without some reference to them in the convention, the British ambassador consented to mention them in the preamble. Consequently, he proposed the insertion of the clause, "laying aside all retrospective discussion of the rights and claims of the two parties." He was very careful to word it so that there would not be in it any admission of the justice of the Spanish claim. After some hesitation the Count accepted it.

In the second article Fitzherbert consented to the omission of one word. The projet had provided that "for all other acts of violence or hostility," etc., reparation should be made. The Count objected to the word "other" as an unnecessary and invidious reference to the action of Martinez at Nootka in 1789, in view of the fact that satisfactory reparation for it had already been made. The British ambassador consented to omit "other." The Spanish minister attempted to limit this reparation to offenses committed "on the said continent and the islands adjacent." Fitzherbert would not agree. This would not have included the violence recently done to Captain Macdonald in the West Indies, mentioned in the last chapter. England apprehended other similar seizures, and such would not have been unnatural under the strained relations existing between the two countries for so many months.

The last clause of the third article, making the privilege of landing anywhere on the coast subject to the restrictions contained in the following articles, was not in the draft *without* a demarkation of limits which was made the basis of the treaty, but it was in the draft *with* a demarkation of limits. Fitzherbert compromised on this point and combined the two drafts. He admitted a limitation of the privilege without obtaining a definite demarkation of the boundaries of Spanish exclusive sovereignty. If Floridablanca had not secured this concession, it would have meant that the English could have landed and established colonies in any unoccupied spot on the coast of California, Mexico, Central or South America. This concession was not included in the draft which was examined by the special junta. It was on this point that they so violently opposed conceding the English demands and advised war at all hazards instead.

In the fourth article, regarding the limit of 10 leagues within which English vessels should not approach Spanish establishments, Floridablanca pressed very earnestly for extending the distance to 15 leagues. As a precedent for his contention, he cited the treaty of 1763 between England and France, which fixed 15 leagues as the distance within which French fishermen might not approach the coasts of Cape Breton. He suggested the insertion of the words "in the said seas," which would confine this restriction to the Pacific. Fitzherbert embodied the last mentioned suggestion, since he conceived that it might be of advantage to the English fisheries on the Atlantic coasts of Spanish America, but he would not admit the extension to 15 leagues. His private instructions, as mentioned in the last chapter, had named 5 leagues as the distance to be first proposed, but had allowed him to concede 8 or even 10.

The fifth and sixth articles contained the stipulations upon which there was the most difficulty in agreeing. In the course of their discussion the negotiation was frequently on the point of being broken off. Floridablanca would not consent to a convention that failed to secure to Spain her exclusive intercourse with her establishments. Neither would he consent to fix any precise line as the boundary of the Spanish possessions, either on the north or the south. He pleaded insufficient information. Fitzherbert wrote to the British Cabinet that the language of the Spanish minister on both of these points was so firm and decisive as to make it evident beyond a doubt that the alternative of peace or war rested on finding or not finding a solution of these difficulties. Neither of the two drafts of the English ultimatum afforded a solution. The one provided that the subjects of the two Crowns should have free access to all unoccupied places and to all establishments formed since April, 1789, or to be formed north of a fixed line on the Northwest Coast and south of a fixed line on the South American coast. The other, omitting any reference to fixed limits, provided that this privilege should extend to the whole Pacific coast of North and South America.

In order to solve this difficulty the English ambassador admitted the restriction at the end of the third article, mentioned above. For the same purpose he consented to insert in the fifth article the clause, "situated to the north of the parts of the said coast already occupied by Spain." This preserved the Spanish exclusive dominion as far northward as her most northern establishment. The provision in article 6 was materially changed. The draft of the ultimatum had provided that the subjects of neither nation should make any establishment south of a definite line to be fixed so long as no settlement should be formed thereon by the subjects of any other power. Instead of fixing a definite line the negotiators agreed to insert the clause, "in such part of those coasts as are situated to the south of those parts of the same coasts and of the islands adjacent already occupied by Spain." They added the provision that in such places the respective subjects should have the right of landing and constructing temporary buildings for purposes connected with their fisheries. The clause, "so long as no establishments shall be formed thereon by the subjects of any other power," was omitted from the article. This had been objected to on the ground that it would be virtually a public invitation to all nations to make settlements there and so join England in despoiling Spain of her dominions. In order to remove the Spanish objection to publicity and still assure England that she would not be compelled to keep her hands off while other nations should do the thing that she had bound herself not to do, the stipulation was embodied in a secret article. This secret clause provided that the stipulation in the sixth article forbidding the subjects of Spain and England to make establishments in such places should remain in force only so long as no settlements should be formed there by the subjects of any other power.[a]

These changes having been agreed to, Fitzherbert presented to Floridablanca on October 23 a new projet embodying them. He said that he had conformed to the ideas of Floridablanca as far as his instructions would permit. In order to discuss the new draft before it should be laid before the King, the British ambassador proposed to call on the Count in the evening of the same day.[b] When their conference closed, the Spanish minister said that he was still in doubt whether the reply which he should give the next morning would be for peace or war.[c] On the morning of October 24 Floridablanca said that the King had agreed to Fitzherbert's terms and had promised that the convention should be signed with the usual formalities three or four days later.[d] The British ambassador pressed for an immediate signature, but the minister said that he could not consent to it. The Count was at the time with the King at San Ildefonso, whither His Majesty had gone on a hunting trip. Fitzherbert had gone to the same place to continue his conferences with the Count. The latter said that if the convention should be signed while there his enemies would charge him with having taken advantage of the fact that he was almost alone with the King to induce His Majesty to agree to a measure contrary to the interests of his Crown. He said also that he wished, before signing, to send a memorial to the junta to justify himself for signing the convention contrary to their opinion. He pledged His Catholic Majesty's word that the convention should be signed "verbatim et literatim."[a] The exchange of full powers took place on October 26, and the wording of the titles of the two negotiators to be inserted in the preamble was arranged on October 27.[b] According to the agreement made four days earlier, the following convention was signed on October 28:

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[a] Narrative, 297–303.

[b] Fitzherbert to Floridablanca, October 23, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[c] Narrative, 303.

[d] Id., 291.

The Nootka Sound convention.

Their Britannic and Catholic Majesties being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the two Crowns, have considered that the best way of attaining this salutary object would be that of an amicable arrangement which, setting aside all retrospective discussions of the rights and pretensions of the two parties, should regulate their respective positions for the future on bases which would be conformable to their true interests as well as to the mutual desires with which Their said Majesties are animated, of establishing with each other, in everything and in all places, the most perfect friendship, harmony, and good correspondence. With this in view they have named and constituted for their plenipotentiaries, to wit, on the part of His Britannic Majesty, Alleyne Fitzherbert, of the privy council of His said Majesty in Great Britain and Ireland, and his ambassador extraordinary and minister plenipotentiary to His Catholic Majesty; and on the part of His Catholic Majesty, Don Joseph Moñino, Count of Floridablanca, Knight Grand Cross of the Royal Spanish Order of Charles III, counselor of state to His said Majesty, and his principal secretary of state and of the cabinet, who, after having communicated to each other their full powers, have agreed on the following articles:

ARTICLE I.

It is agreed that the buildings and tracts of land situated on the Northwest Coast of the continent of North America, or on islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects.

ARTICLE II.

Further, a just reparation shall be made, according to the nature of the case, for every act of violence or hostility which may have been committed since the said month of April, 1789, by the subjects of either of the contending parties against the subjects of the other;

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[a] Narrative, 304.

[b] Fitzherbert to Floridablanca, October 26, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291), and same to same, October 27, 1790 (Id.).

and in case any of the respective subjects shall, since the same period, have been forcibly dispossessed of their lands, buildings, vessels, merchandise, or any other objects of property on the said continent or on the seas or islands adjacent, they shall be replaced in possession of them or a just compensation shall be made to them for the losses which they have sustained.

ARTICLE III.

And in order to strengthen the bonds of friendship and to preserve in the future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested either in navigating or carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country or of making establishments there; the whole subject, nevertheless, to the restrictions and provisions which shall be specified in the three following articles.

ARTICLE IV.

His Britannic Majesty engages to employ the most effective measures to prevent the navigation and fishery of his subjects in the Pacific Ocean or in the South Seas from being made a pretext for illicit trade with the Spanish settlements; and with this in view it is moreover expressly stipulated that British subjects shall not navigate nor carry on their fishery in the said seas within the distance of 10 maritime leagues from any part of the coast already occupied by Spain.

ARTICLE V.

It is agreed that as well in the places which are to be restored to British subjects by virtue of the first article as in all other parts of the Northwest Coast of North America or of the islands adjacent, situated to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access and shall carry on their commerce without disturbance or molestation.

ARTICLE VI.

It is further agreed with respect to the eastern and western coasts of South America and the islands adjacent, that the respective subjects shall not form in the future any establishment on the parts of the coast situated to the south of the parts of the same coast and of the islands adjacent already occupied by Spain; it being understood that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated for objects connected with their fishery and of erecting thereon huts and other temporary structures serving only those objects.

ARTICLE VII.

In all cases of complaint or infraction of the articles of the present convention the officers of either party without previously permitting themselves to commit any act of violence or assault shall be bound to make an exact report of the affair and of its circumstances to their respective Courts, who will terminate the differences in an amicable manner.

ARTICLE VIII.

The present convention shall be ratified and confirmed within the space of six weeks, to be counted from the day of its signature, or sooner if possible.

In witness whereof we, the undersigned plenipotentiaries of their Britannic and Catholic Majesties, have, in their names and by virtue of our full powers, signed the present convention, and have affixed thereto the seals of our arms.

Done at the palace of San Lorenzo the 28th of October, 1790.[a]

ALLEYNE FITZHERBERT.
THE COUNT OF FLORIDABLANCA.

SECRET ARTICLE.

Since by article 6 of the present convention it has been stipulated, respecting the eastern and western coasts of South America, that the respective subjects shall not in the future form any establishment on the parts of these coasts situated to the south of the parts of the said coasts actually occupied by Spain, it is agreed and declared by the present article that this stipulation shall remain in force only so long as no establishment shall have been formed by the subjects of any other power on the coasts in question. This secret article shall have the same force as if it were inserted in the convention.

In witness whereof, etc.[b]

Ratifications were exchanged by Floridablanca and Fitzherbert on November 22.

The fact that the convention was signed in opposition to the advice of the special junta occasioned lively comment for several weeks in Spanish official circles. It will be recalled from the last chapter that the sittings of the junta were on October 21, 22, 24, and 25, and that on the last date the junta hurried its conclusions off to Floridablanca, advising war rather than compliance with the English demands.

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[a] Narrative, 292; An. Reg., XXXII, 303; Calvo, Recueil, III, 356.

[b] Calvo adds the secret article, but it has not been published in any other work.

From a statement in an earlier part of the present chapter, it will be remembered that the convention was virtually concluded between Floridablanca and Fitzherbert at their interview of October 23; and that on the next day the King pledged his word to sign the convention as it then was.

On October 27 a letter from Floridablanca informed Iriarte, the secretary of the junta, that the conclusions of the junta had been received on the 25th, had been laid before the King on the 26th, and were being considered by the Council of State. He cautioned the members of the junta to keep the proceedings of that body absolutely secret.[a] The Count evidently hoped to keep concealed the fact that the convention had already been agreed upon. He did not succeed long in doing this. On October 28 Iriarte replied to the Count's letter of the day before, discussing at length the latter's injunction to secrecy. Notes in Iriarte's hand on slips of paper inserted later in these two letters show that he had learned of the fact of the convention's having been agreed upon before the conclusions of the junta had been received, though it had not been signed until afterwards. In proof of the fact he referred to a circular letter which the British ambassador had written on October 26, telling all of the English consuls in Spain that the dispute had been settled and that the convention would be formally signed in a few days. Another brief note similarly inserted censured the administration very severely for accepting the English terms. It said:

> This convention of October 28, 1790, is the first treaty that has been made during the reign of Charles IV, and in it has been conceded to England what has always been resisted and refused to all powers since the discovery of the Indies; and the concession means much to us.[b]

On November 21 Floridablanca expressed the King's thanks to all of the ministers that took part in the junta for their promptness and zeal. His Majesty assured them that he would not have hesitated a moment to carry out their recommendations if motives absolutely secret to himself had not compelled him to order the convention signed. The

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[a] Floridablanca to Iriarte, October 27, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 2848.)

[b] Iriarte to Floridablanca, October 28, 1790 (Id.), inclosing notes mentioned above, and Fitzherbert's letter to the consuls of October 26.

Count inclosed some reflections on the convention which His Majesty offered in addition to the secret motives.[a]

These reflections declared that the purpose of the Convention was to avoid a war in the present unhappy circumstances, reserving it for a more favorable time, if it should become necessary. It did not involve an absolute renunciation in case Spain chose not to observe it. It was shown that by a strict interpretation of some of its terms the Convention could be made of little value to England and little loss to Spain. In the stipulations that granted to English subjects privileges of commerce and settlement north or south of places already occupied, attention was called to the expression "already occupied." The word "occupied" did not mean nearly so much as "inhabited" or "peopled" would have meant, and "already" did not mean "actually" or "now." If a place had been once occupied and then abandoned this expression could be made to apply to it. The implication was that formal acts of taking possession where there had been no thought of making an actual settlement could be made to come under this head. Such acts had been performed practically all along the coast. Such a construction would have almost nullified the privileges granted to England. The reflections said further that the English were not allowed to approach Spanish settlements and Spain had equal rights with England anywhere on the coast. It was thought that Russia's fear of English encroachments would be a safeguard against England. English trade and settlements were limited to the part of the coast north of Nootka. It was insisted that the treaty simply recognized existing conditions; that it conceded nothing except what had been allowed, and on the other hand obtained concessions by limiting the privileges. It was proposed to observe the Convention only so long as it should be to the advantage of Spain to do so. Whenever she felt strong enough to assert her ancient rights she could still do it.[b] The purpose of these arguments was doubtless to quiet adverse criticism of the Convention. It was partially successful at the time. A few days later, after the letter of

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[a] Floridablanca to Iriarte, November 21, 1790. (MS. Arch. Hist. Nacional, Sec. Estado, 2848.)

[b] Reflections submitted to the junta. (Id.)

Floridablanca and the reflections had been considered, all of the ministers of the junta sent to the King their thanks for his confidence.[a] But this success did not last long. Criticism of the Convention continued and finally led to the overthrow of Floridablanca. In May, 1791, the British ambassador wrote that the Spanish prime minister was very anxious to have England take effectual measures for preventing British vessels from touching at Spanish ports, that his enemies might not find new reasons for attacking him.[b] Finally, in the latter part of February, 1792, Floridablanca was dismissed from office. The Nootka business was said to have been the principal cause of his fall.[c]

News of the agreement to sign the convention reached London November 4. On that day Leeds wrote to Auckland that a messenger had just arrived with a dispatch from Fitzherbert, dated October 24, saying that the convention had been agreed upon and would be signed four days later. A copy inclosed with this letter exactly corresponds to the convention as signed.[d] An unofficial letter, written on the same day by a clerk in the foreign office and accompanying this official note, declared that the convention would speak for itself; that it contained everything that England had demanded. The writer said that the Spanish ministry had been decidedly for war rather than make the sacrifice, but that Floridablanca had obtained the King's consent while on a hunting trip, and pledged his master's word that the convention would be signed on their return, that it might have the sanction of his colleagues "pro forma."[e] The signed convention reached London five days later. Leeds immediately sent a copy of it to Auckland, that the latter might lay it before the Dutch Government. The Duke congratulated the ambassador on the happy termination of such a very important negotiation.[f] On the day of its arrival, November 9, the British Court ratified the convention, and hurried a messenger off to Fitzherbert.[a] As stated above, the ratifications were exchanged at Madrid on November 22.

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[a] Iriarte to Floridablanca, November 24 [29], 1790. (Id.)

[b] St. Helens to Grenville, May 16, 1791. (Fortescue MSS., II, 74.) Fitzherbert had been raised to the peerage as Baron St. Helens. Grenville had succeeded Leeds in the foreign office.

[c] St. Helens to Grenville, February 28, 1792 (Id., 256), and inclosure dated Madrid, March 21, 1792, in a letter of Auckland to Grenville, January 19, 1793 (Id., 368).

[d] Leeds to Auckland, November 4, 1790. (Brit. Mus. MSS., 34434, f° 14.)

[e] Aust to Auckland, November 4, 1790. (Id., f° 20.)

[f] Leeds to Auckland, November 9, 1790. (Id., f° 43.)

On November 12 Burges, under secretary for the foreign office, wrote to Auckland:

> That you and our Dutch friends are satisfied with the conclusion of the Spanish business, I am not surprised. Even the opposition here, always ready enough to pick holes, as you know, whenever they can, seem to be dumfounded, and to have nothing to say against us except that we have asked and carried so much that it is impossible such a peace can last long.

Speaking of the credit given to Fitzherbert for his success in the negotiation and of the honor conferred upon him by his being raised to the peerage, the same letter continued:

> Fitzherbert of course gains much glory, as all good ministers should who follow up their instructions, and I understand that he is forthwith to receive the high reward of an Irish peerage.[b]

These references are sufficient to show that the English ministry was highly pleased with the success of the negotiation. On November 24 the mayor, the aldermen, and the commons of the city of London, in common council assembled, assured the King of their gratitude for the continuance of peace with Spain, and congratulated him on the reconciliation.[c] On November 26 Parliament assembled. The King's speech mentioned the successful termination of the negotiation and laid before the Houses copies of the declaration and counter declaration and the convention.[d] On the same day the House of Lords accorded enthusiastic thanks and congratulations.[e] Four days later the Commons, after an extended debate and some criticisms from the opposition, approved the address, and assured the King that provision would be made for the expenses of the armament.[a] A general discussion of the merits of the convention was made the order of the day for December 13 in the House of Lords. The debate was extended, and the criticism of the ministry by the opposition was very severe. The friends of the Government seemed confident of the results and did not exert themselves greatly to refute the arguments. The convention was approved.[b] On the same day the Commons debated a motion calling for all of the correspondence on the dispute. There were the same violent attacks by the opposition and the same apparent indifference on the part of the friends of the administration. The motion was defeated by an overwhelming majority. On the next day, December 14, the merits of the convention were discussed. The opposing sides manifested much the same spirit, and in the end the convention was approved by a large majority.[c]

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[a] Narrative, 306.

[b] Burges to Auckland, November 12, 1790. (Brit. Mus., MSS. 34434, f° 58.) This quotation taken with the sentence which follows shows that Burges considered about as much of the success due to himself as to Fitzherbert. Continuing, he said: "This has been a very fortunate business for him, for though undoubtedly he has had some trouble, his instructions were so full and so positive, that little more on his part was necessary than a literal adherence to them. From the turn things have unexpectedly taken, I am apprehensive you must for some time give me credit on this head." It was in this letter that Burges made the statement which assisted in identifying him as the compiler of the anonymous Narrative of the Negotiations between England and Spain, to which frequent reference has been made. (See p. 365, antea, note *a*.)

[c] An. Reg., XXXII, 305.

[d] Parl. Hist., XXVIII, 891.

[e] Id., 893.

The logical results of the con~~vention~~ were interfered with by England's taking part in the war against France within a little more than two years after its signature. This absorbed her attention almost continuously for twenty-two years and prevented her, to a great extent, from taking advantage of the concessions gained. Before the end of that period the United States had entered the contest for controlling the Northwest Coast, and in a few years more purchased the Spanish claim. Thereby the whole matter was merged in the Oregon controversy. The immediate result for England was that she obtained free access to an extended coast, of which she has since come into full possession. For Spain, it was the first external evidence of the weakness of the reign of Charles IV, and was the beginning of the series of disasters which Spain successively suffered under that incompetent Monarch and his corrupt advisers. It was the first express renunciation of Spain's ancient claim to exclusive sovereignty over the American shores of the Pacific Ocean and the South Seas. It marks the beginning of the collapse of the Spanish colonial system.[a]

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[a] Id., 899-906.

[b] Id., 933-948.

[c] Id., 949-1003. It would be interesting to discuss these long debates in detail, but of little value. The arguments of the opposition are much more extended than those of the supporters of the Government. This is doubtless what has led many writers into making the misleading statement that the treaty was unfavorably received. The statement is true only in so far as it applies to the opposition. Such criticism would be expected from them, no matter how favorable the treaty really was.

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[a] In bundle 2848, Sec. Estado, Arch. Hist. Nacional, Madrid, is a bunch of documents, about an inch thick, marked "Subsequent references and notes on the convention concluded on October 28, 1790, regarding fisheries, navigation and commerce in the Pacific Ocean and the South Seas." They were collected by Iriarte and presented to the Prince of Peace [Godoy]. They bear a variety of dates, some as late as 1797, and are quotations from various European newspapers, reports of conversations, and copies of letters. Their purpose seems to have been to show the injustice of England in demanding such extravagant terms.

CHAPTER XIV.

SUBSEQUENT NEGOTIATIONS AND FINAL SETTLEMENT OF THE NOOTKA SOUND DISPUTE.

Although the convention was concluded in 1790, yet the Nootka Sound affair was still far from settled. The first article of the convention, agreeing to restore to British subjects the buildings and lands which had been taken from them at Nootka, had to be carried out. The agreement of the Spanish declaration of July 24 to indemnify the parties concerned in the ships captured at Nootka was also still to be fulfilled. It required a long arbitration and two new conventions to accomplish these results, and in the meantime an intimate treaty of alliance had been entered into for mutual protection against the excesses of the French Revolution. It was more than four years before these matters were finally adjusted. The present chapter will review them briefly.

The English and Spanish Governments each appointed a commissioner to go to Nootka and carry out the agreement of the first article of the convention of October 28, 1790. The commissioners did not meet until the summer of 1792. A brief statement should be made concerning the establishment at Nootka between the events of 1789 and the meeting of the commissioners three years later. Martinez's abandonment of Nootka in the fall of 1789 and his return to Mexico was discussed in a former chapter. The plans of the Viceroy for sending a new expedition under Eliza to reoccupy the post in the spring of 1790 were studied in the same chapter.[a] The Viceroy feared that Nootka would be seized by the English before his expedition could reach the place, or that an English expedition might later attempt to wrest the post from the Spanish.[b] His fears were not realized. The port was reoccupied and held without opposition. During the three following seasons a substantial Spanish settlement was formed, and, using this as a center, exploring expeditions examined the neighboring coast.[a]

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[a] Chapter VI.

[b] Instructions from Bodega y Quadra to Eliza, San Blas, January 28, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-20.)

The British commissioner for carrying out the convention was Captain Vancouver. He left England in 1791 and was to reach the Northwest Coast in the spring of the following year. His principal business was to explore that coast. Additional instructions concerning the transfer of Nootka were to be sent to him later.[b] These reached him during the summer of 1792 while he was engaged in exploring the coast in the neighborhood of the island that later received his name. He arrived at Nootka late in August. He found there Bodega y Quadra, the Spanish commissioner. It would be of little value to follow in detail the negotiations between them, since their mission accomplished nothing. They could not agree, although, personally, a very strong friendship sprang up between them. Vancouver expected that the entire establishment would be transferred to England. Quadra, after careful investigation, became convinced that the English had never purchased nor taken possession of any land except the small plat of ground on which Meares's temporary house had stood in 1788. Consequently he offered to transfer this, but no more. Vancouver refused to accept so little and the whole matter was referred back to the Governments at London and Madrid.[c] Having continued his survey of the coast for two years longer, Vancouver returned to Nootka in the summer of 1794 expecting that new instructions would be awaiting him regarding the transfer. He was disappointed. He waited two months at Nootka for them, then went to Monterey, where he waited nearly two months more. The English instructions still did not come, but the Spanish commissioner had received his orders, and Vancouver was informed that a special British commissioner had been sent for the purpose. On December 1 he sailed for England.[d]

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[a] Voyage of the Sutil y Mexicana in 1792, Introduction; México á Través de Los Siglos, II, 879; Informe of Revilla-Gigedo of April 12, 1793, in Bustamante (Cavo), Los Tres Siglos, III, 330; Pedro Feger, Nouvelles Annales de Voyages, CI, 19.

[b] Vancouver, Voyages, I, 47–49 and 58–75.

[c] Id., 335 ff; Bustamante (Cavo), Los Tres Siglos, III, 133–140; Greenhow, Oregon and California, 241–246.

[d] Vancouver, Voyages, VI, 65–95, 117, 126. The commission was to him first and to the special commissioner in Vancouver's absence. (See Id. p. 118.)

While the arrangements were being made to send the above commissioners to Nootka to carry out the stipulations in the first article of the convention, steps were also being taken to fulfill the agreement in the declarations of July 24. The two Governments appointed commissioners to decide on the amount of the indemnity which Spain should pay to those interested in the ships captured at Nootka. Their negotiation was conducted at London. The Spanish agent, Manuel de Las Heras, was sent in May, 1791. Baron St. Helens [Fitzherbert] wrote on May 29 introducing him to Lord Grenville, who had succeeded the Duke of Leeds in the foreign office. Heras was also consul-general to England. St. Helens said:

> He appears to me to be very sensible, well informed, and right headed; so that I am persuaded that he will do his best in order to execute the commission with which he is charged to the satisfaction of both Courts.[a]

When the Spanish commissioner reached London he either misunderstood his instructions or was intentionally very reserved regarding them. On August 26 Grenville wrote to St. Helens:

> The sending of M. Las Heras at last without any instructions is really abominable, and would be reason enough, if we were so disposed, to refuse to hear of alliance or anything else.

He appealed to St. Helens to "make those slow Spaniards send instructions and powers, and, above all, liberty to refer the matter to arbitration, by which the ministers of both Courts will get it off their hands."[b] On receipt of this letter the British ambassador called the attention of Floridablanca to the commissioner's delay in negotiating. The Spanish minister thought that the instructions to Heras were clear and explicit; nevertheless, he sent additional instructions on September 8 authorizing the commissioner to settle and liquidate the damages, with the concurrence of Campo, the Spanish ambassador. He was to give the British Court to understand that in case of difference the Spanish King was willing to submit the matter to arbitration. The Count had given St. Helens a copy of these instructions and the latter sent them to Grenville, saying that they seemed satisfactory except that the commissioner did not have authority to settle finally without submitting the matter to the Spanish King. He remarked that such would have been an unprecedented power and said that His Catholic Majesty had promised to act on it immediately.[a]

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[a] St. Helens to Grenville, May 29, 1791: Fortescue MSS., II, 86

[b] Grenville to St. Helens, August 26, 1791. (Id., 176.)

It seems that the commissioners failed to agree and that the matter was referred to a court of arbitration, which sat at or near Madrid in the early part of the next year. On May 14, 1792, St. Helens wrote from Aranjuez that the Nootka arbitration business was "en bon train," and though it was going more slowly than expected he hoped to send dispatches concerning it in a very few days.[b] A fortnight later the business had taken a new turn. The British ambassador wrote:

> I can not but hope that the proposal which goes by this messenger for settling what the Count of Aranda[c] calls the fastidious business of the Nootka claims by the payment of a round sum of money as a discharge in full will strike your fancy as much as it does his and mine.

The writer added that if the offer should be thought too small he was confident that Spain would increase it ten, fifteen, or even twenty thousand Spanish dollars. If Grenville should reject the offer and wish the matter to revert to arbitration he said that Aranda would facilitate it.[d] The amount offered was 200,000 Spanish dollars. About two months later the Nootka claimants were called upon to decide whether they wished to accept the offer or to have the matter referred back to Madrid in hope of having the sum increased.[e] The claimants apparently did not accept the offer. A month afterwards Dundas, the home secretary, wrote:

> The Nootka business, I take it for granted, will get on, but it hangs rather unaccountably. I suspect that both sides are in some degree to blame.[f]

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[a] St. Helens to Grenville, October 3, 1791. (Id., 203.)

[b] Same to same, May 14, 1792. (Id., 268.)

[c] The new prime minister, appointed on the fall of Floridablanca.

[d] St. Helens to Grenville, May 29, 1792. (Fortescue MSS., II, 275.)

[e] Grenville to Dundas, August 4, 1792. (Id., 297.) Dundas was home secretary.

[f] Dundas to Grenville, September 2, 1792. (Id., 307.)

After a delay of several months more, the Spanish Court increased the offer by $10,000. On February 12, 1793, the following convention was signed:

Nootka claims convention.

In virtue of the declarations exchanged at Madrid on the 24th of July, 1790, and of the convention signed at the Escorial on the 18th [28th] of the following October, Their Catholic and Britannic Majesties, desiring to regulate and determine definitely everything regarding the restitution of the British ships seized at Nootka, as well as the indemnification of the parties interested in the ships, have named for this purpose and constituted as their commissioners and plenipotentiaries, to wit, on the part of His Catholic Majesty, Don Manuel de Las Heras, commissary in His said Majesty's armies, and his agent and consul-general in the Kingdoms of Great Britain and Ireland; and on the part of His Britannic Majesty, Mr. Ralph Woodford, Knight Baronet of Great Britain; who, after having communicated their full powers, have agreed upon the following articles:

Article I.

His Catholic Majesty, besides having restored the ship *Argonaut*, the restoration of which took place in the port of San Blas in the year 1791 [1790], agrees to pay as indemnity to the parties interested in it the amount of two hundred and ten thousand hard dollars in specie, it being understood that this sum is to serve as compensation and complete indemnification for all their losses, whatever they may be, without any exception, and without leaving the possibility of a future remonstrance on any pretext or motive.

Article II.

Said payment shall be made on the day on which the present convention shall be signed by the commissioner of His Catholic Majesty in the presence of the commissioner of His Britannic Majesty, which latter shall give at the same time an acknowledgment of payment consistent with the terms enunciated in the former article and signed by the said commissioner for himself and in the name and by the order of His Britannic Majesty and of the said interested parties. And there shall be attached to the present convention a copy of the said acknowledgment of payment, executed in the proper form, and likewise of the respective full powers and of the authorizations of the said interested parties.

Article III.

The ratifications of the present convention shall be exchanged in this city of London within a period of six weeks from the date of its signature, or before if possible.

In witness whereof we, the undersigned commissioners and plenipotentiaries of Their Catholic and Britannic Majesties, have signed the present convention in their names and in virtue of our respective full powers, affixing to it the seals of our arms.

Done at Whitehall, February 12, 1793.[a]

MANUEL DE LAS HERAS.
R. WOODFORD.

During all of the time that the negotiations were in progress over the liquidation of the Nootka claims, a treaty of alliance and commerce between England and Spain was being discussed. The British Court attempted to induce the Spanish Government to accept duties on English manufactures, "instead," as Grenville said, "of paying an army not to prevent their being smuggled." In the same connection he remarked, "but that, I fear, is a trait of wisdom far beyond their comprehension."[b] The negotiation dragged through 1791 and 1792 and into 1793. In the meantime Spain had twice changed prime ministers. On the fall of Floridablanca, Aranda had succeeded him. After holding the position for about a year Aranda was succeeded by the Duke of Alcudia, the famous Godoy, known as the Prince of Peace, the paramour of the corrupt Queen. The impulse that finally brought the negotiations to a crisis was the murder of the French King by order of the Convention. A shudder of horror passed over Europe. Four days after the death of Louis XVI the British Cabinet decided to authorize St. Helens to discuss a permanent alliance with the Court of Spain against the excesses of the French Revolution. The alliance was to be commercial, offensive, and defensive.[c] Such an alliance was concluded May 25, 1793, and ratified by the British Court on June 21 following. Ratifications were exchanged July 5.[d]

This alliance facilitated the settlement of the Nootka business. After the failure of Vancouver and Quadra to agree in 1792 as to what should be surrendered at Nootka, the Governments took up the matter again. While the negotiations for this purpose were in progress a long letter from Revilla-Gigedo, the Viceroy of Mexico, reached Madrid. This was the informe of April 12, 1793, to which reference has frequently been made. Godoy, the Spanish prime minister, wrote to the Viceroy that in view of this and other letters from the same source he had concluded a convention with St. Helens.[a] In this long letter the Viceroy, after having given a brief history of the Spanish operations on the Northwest Coast, and especially the Nootka expeditions, gave an extended discussion, the purpose of which was to show that Nootka was not worth retaining. He dwelt on the millions that had been spent during the past twenty-five years in erecting and sustaining new establishments in Upper California, and discouraged attempts to occupy more distant places. He indorsed the idea of settling the Straits of Juan de Fuca and southward, but he thought that settlements farther north would be a cause of anxiety and fruitless expense and would afford occasions for quarrels and misunderstandings with England. If England wished to maintain possession of Nootka as a point of honor, he declared that Spain ought to yield to her. He proposed a generous surrender of the post to the English.[b]

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[a] Translated from the Spanish copy published in Calvo, Recueil Complet des Traités de l'Amerique Latine, III, 364.

[b] Grenville to St. Helens, August 26, 1791. (Fortescue MSS., II, 176.)

[c] Cabinet minute, January 25, 1793. (Id., 373.)

[d] Grenville to St. Helens, June 24, 1793. (Id., 398.) The documents relating to the negotiation are found in bundle 4221, Sec. Estado, of the Archivo Historico Nacional at Madrid.

The convention to which Godoy referred as having been concluded by himself with the British ambassador was signed at Madrid on January 11, 1794, and was as follows:

Convention for the mutual abandonment of Nootka.

Their Catholic and Britannic Majesties desiring to remove and obviate all doubt and difficulty relative to the execution of article 1 of the convention concluded between Their said Majesties on the 28th of October, 1790, have resolved and agreed to order that new instructions be sent to the officials who have been respectively commissioned to carry out the said article, the tenor of which instructions shall be as follows:

That within the shortest time that may be possible after the arrival of the said officials at Nootka they shall meet in the place, or near, where the buildings stood which were formerly occupied by the subjects of His Britannic Majesty, at which time and in which place they shall exchange mutually the following declaration and counter declaration:

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[a] [Alcudia] to Revilla-Gigedo, January 29, 1794. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[b] Revilla-Gigedo to Alcudia, Mexico, April 12, 1793. (Bustamante (Cavo), Los Tres Siglos, III, 112–164.)

DECLARATION.

"I, N—— N——, in the name and by the order of His Catholic Majesty, by means of these presents restore to N—— N—— the buildings and districts of land situated on the Northwest Coast of the continent of North America, or the islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed by a Spanish officer toward the month of April, 1789. In witness whereof I have signed the present declaration, sealing it with the seal of my arms. Done at Nootka on the ——, day of ———, 179—."

COUNTER DECLARATION.

"I, N—— N——, in the name and by the order of His Britannic Majesty, by means of these presents declare that the buildings and tracts of land on the Northwest Coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed by a Spanish officer toward the month of April, 1789, have been restored to me by N—— N——, which restoration I declare to be full and satisfactory. In witness whereof I have signed the present counter declaration, sealing it with the seal of my arms. Done at Nootka on the —— day of ———, 179—."

That then the British official shall unfurl the British flag over the land so restored in sign of possession. And that after these formalities the officials of the two Crowns shall withdraw, respectively, their people from the said port of Nootka.

Further, Their said Majesties have agreed that the subjects of both nations shall have the liberty of frequenting the said port whenever they wish and of constructing there temporary buildings to accommodate them during their residence on such occasions. But neither of the said parties shall form any permanent establishment in the said port or claim any right of sovereignty or territorial dominion there to the exclusion of the other. And Their said Majesties will mutually aid each other to maintain for their subjects free access to the port of Nootka against any other nation which may attempt to establish there any sovereignty or dominion.

In witness whereof we, the undersigned first secretary of state and of the Cabinet of His Catholic Majesty, and the ambassador and plenipotentiary of His Britannic Majesty, in the name and by the express order of our respective sovereigns, have signed the present agreement, sealing it with the seals of our arms.

Done at Madrid, January 11, 1794.[a]

THE DUKE OF ALCUDIA.
ST. HELENS.

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[a] Translated from a Spanish copy in Calvo, Recueil, III, 366. A manuscript copy is in bundle 4291, Sec. Estado, Arch. Hist. Nacional, Madrid.

The two Courts proceeded to carry out this agreement. Godoy instructed the Viceroy of Mexico to appoint some one as the commissioner for Spain.[a] The British commissioner was appointed later, and sent by way of Spain, Havana, Vera Cruz, and Mexico.[b] He arrived at La Coruna about the middle of August, 1794.[c] On November 20 he landed at Vera Cruz, and went by way of Mexico to San Blas.[d] From this port both commissioners sailed for Nootka. The Englishman was Sir Thomas Pierce; the Spaniard, Manuel de Alava. They met at Nootka and on the appointed day, March 23, 1795, carried out the above agreement. Alava had previously destroyed the buildings of the Spanish settlement. After the prescribed ceremonies had been performed, both the Spanish and the English deserted the place.[e] Neither nation ever reoccupied it. Nootka is still inhabited by Indians.

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[a] [Alcudia] to Revilla-Gigedo, January 29, 1794, inclosing instructions to Bodega y Quadra, or the one whom the Viceroy should appoint. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

[b] Grenville to Dundas, February 22, 1794 (Fortescue MSS., II, 511), concerning the appointment of a commissioner; and Jackson to Alcudia, April 17 and 20, 1794 (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4287), both of which relate to the commissioner and the route which he is to take. Jackson was at the time in charge of the British legation at Madrid.

[c] Jackson to Alcudia, August 16, 1794. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4287.) This announces the British commissioner's arrival at La Coruna and requests a passport for him.

[d] Mexico á Través de Los Siglos, II, 880. This work gives a very good brief account of the transfer and abandonment.

[e] Alava to Alcudia, San Blas, April 23, 1795. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4287.) In this letter the Spanish commissioner reports to Godoy the final ceremonies at Nootka. He gives as the date of the ceremonies March 28; but since an error may have been made in copying, and since other accounts agree on the above date, that has been adopted. Bancroft, Northwest Coast, I, 301-303, discusses the final settlement.

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Meares, John: *An Answer to Mr. Dixon, In Which the Remarks on the Voyages, etc., are Fully Considered and Refuted.* London: 1791.

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